

By Mr. PRAY: Petition of 76 Montana merchants and Missoula Trades Council, Montana, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Missoula (Mont.) Trades Council, for amendment of the immigration laws; to the Committee on Immigration and Naturalization.

By Mr. RAINEY: Petition of 411 merchants of the twentieth Illinois congressional district, against a rural parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. REEDER: Petition of citizens of Kansas, favoring parcels post; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Petition of Rhode Island State Grange, Patrons of Husbandry, favoring the local rural parcel service; to the Committee on the Post Office and Post Roads.

Also, paper to accompany bill for relief of Nathaniel S. Greene; to the Committee on Invalid Pensions.

Also, petition of Town Council of Foster, R. I., for Senate bill 5677; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rhode Island State Grange, Patrons of Husbandry, for appropriation for national highways; to the Committee on Agriculture.

By Mr. SLAYDEN: Petition of citizens of Fredericksburg, Tex., against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. TOU VELLE: Petition of C. M. Parker, of Lincoln, Nebr., for House bill 17883; to the Committee on Invalid Pensions.

By Mr. YOUNG of Michigan: Petition of citizens of the twelfth Michigan congressional district, for Senate bill 5677, to increase efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

SENATE.

Monday, January 16, 1911.

Prayer by the chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Friday last was read and approved.

MISSOURI RIVER IMPROVEMENT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, stating, in response to a resolution of December 12, 1910, relative to a report upon the most economical and desirable plan for securing a permanent 6-foot channel in the Missouri River from Kansas City to the mouth of that river, that the report has been transmitted to the Speaker of the House of Representatives in compliance with an item contained in the rivers and harbors act of June 25, 1910, which was referred to the Committee on Commerce and ordered to be printed.

ESTIMATES OF APPROPRIATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting for inclusion in the legislative, executive, and judicial appropriation bill a proposed amendment for eight firemen at \$720 each, office of chief clerk and superintendent, Treasury Department (S. Doc. No. 742), which was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an amended estimate of appropriation for salaries, office of the Commissary General, one chief of division, \$2,000, and one clerk, \$1,800, etc., which, with the accompanying paper, was referred to the Committee on Appropriations (S. Doc. No. 740) and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 28434. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 28435. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 30135. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30886. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 31161. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 31172. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 18960. An act for the relief of Emanuel Sassaman;

H. R. 22829. An act for the relief of George W. Nixon;

H. R. 28434. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 28435. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the mayor and council of Brunswick, Ga., remonstrating against the enactment of legislation to remove discrimination against American sailing vessels in the coastwise trade, etc., which was referred to the Committee on Commerce.

He also presented a petition of the faculty of Mount Holyoke College, South Hadley, Mass., praying for the enactment of legislation to prohibit traffic in opium, which was referred to the Committee on Foreign Relations.

He also presented the petition of C. M. Parker, Company A, Forty-sixth Indiana Volunteers, of Lincoln, Nebr., praying for the enactment of legislation to increase the pension of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States during the War of the Rebellion, which was referred to the Committee on Pensions.

He also presented resolutions adopted by various municipal councils in the Philippine Islands relative to certain language used by Hon. D. C. Worcester, secretary of the interior and member of the civil commission of the Philippines, in a public address in those islands before the Young Men's Christian Association, etc., which were referred to the Committee on the Philippines.

He also presented the petition of Charles A. Blanchard, president of Wheaton College, Wheaton, Ill., and of J. G. Brooks, pastor of the College Church, of Wheaton, Ill., praying for the enactment of legislation to prohibit the sale of opium and cocaine in the United States, which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of sundry citizens of Illinois, praying for the enactment of legislation to prohibit the transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 694, United Mine Workers of America, of Girard, Ill., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Trades and Labor Assembly of Galesburg, Ill., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of the Illinois State Teachers' Association, remonstrating against the benefits of the so-called Morrill Acts being extended to the District of Columbia, which was ordered to lie on the table.

Mr. KEAN presented a petition of the Political Study Club of Elizabeth, N. J., praying for the passage of the so-called children's bureau bill, which was ordered to lie on the table.

He also presented a petition of Local Branch No. 14, Glass Bottle Blowers' Association, of Woodbury, N. J., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. DEPEW presented a petition of Hollywood Council, No. 15, Junior Order United American Mechanics, of Springfield, N. Y., praying for the enactment of legislation to further

restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Cigar Makers' Local Union No. 483, of Gloversville, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Rochester, N. Y., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a petition of J. F. Reynolds Post, No. 33, Grand Army of the Republic, Department of Wyoming, of Cheyenne, Wyo., praying for the enactment of legislation granting pensions to veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of Custer Post, No. 1, Grand Army of the Republic, Department of Colorado and Wyoming, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. GAMBLE presented a petition of the Commercial Club of Mitchell, S. Dak., praying that San Francisco, Cal., be selected as the site for holding the proposed Panama Canal Exposition, which was referred to the Committee on Industrial Expositions.

He also presented a petition of Carpenter Lodge, No. 1184, Modern Brotherhood of America, of Carpenter, S. Dak., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of F. L. Kramer and sundry other citizens of Chamberlain, S. Dak., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. SCOTT presented a petition of sundry employees of the Greenbrier division of the Chesapeake & Ohio Railway Co., of the State of Virginia, praying for the enactment of legislation authorizing railroads to charge higher rates for transportation, which was referred to the Committee on Interstate Commerce.

Mr. BURROWS presented sundry papers to accompany the bill (S. 8047) authorizing and directing the Secretary of War to muster Clement A. Leunsberry as colonel of the Twentieth Regiment Michigan Volunteer Infantry, which were referred to the Committee on Military Affairs.

Mr. HEYBURN presented a resolution adopted at the Thirtieth Annual Convention of the American Federation of Labor, at St. Louis, Mo., favoring the repeal of the present oleomargarine law, and also for a change in the present method of packing oleomargarine, which was referred to the Committee on Manufactures.

Mr. GALLINGER presented the memorial of Hurd & Kinney, of Claremont, N. H., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Citizens' Association of Petworth, D. C., remonstrating against the enactment of legislation proposing to change the name of Rock Creek Church Road to Putnam Street, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Citizens' Association of Brightwood Park, D. C., praying for the adoption of a certain amendment to the District of Columbia appropriation bill relative to the status of teachers of manual training, etc., in the public schools of the District, which was referred to the Committee on Appropriations.

Mr. CULBERSON presented petitions of Local Lodges No. 2664, of Petteway; No. 2791, of Huntsville; No. 2594, of Nineveh; No. 2386, of Shive; No. 2473, of San Antonio; No. 2179, of Big Foot; No. 2519, of Lambert; No. 2268, of Kerrville; No. 1488, of Houston; No. 2629, of Madisonville; No. 2354, of Italy; No. 1516, of Minden; No. 2544, of Stubbs; No. 2648, of El Paso; No. 2429, of Milford; No. 2611, of Midway; No. 2817, of Pleasant Grove; No. 2439, of Energy; No. 2711, of Collegehill; No. 2509, of Kaufman; No. 2249, of Tolosa; No. 2459, of Monaville; No. 2617, of Dodge; No. 2344, of Groveton; No. 2353, of Rusk; No. 2408, of Buffalo; No. 2691, of Oakhurst; No. 2659, of Houston; No. 2535, of Mabank; No. 2231, of Mount Selman; No. 2243, of Stone Point; No. 2356, of Belott; No. 2882, of Monticello; No. 2432, of Israel; No. 2269, of Gatesville; No. 2620, of Burton; No. 2576, of Flo; No. 2565, of Rusk, all of the Modern Brotherhood of America; and of Local Camps No. 664, of Grand Saline; No. 94, of Huntsville; No. 2737, of Barclay; No. 2569, of Chalk;

No. 2505, of Converse; No. 130, of Del Rio; No. 682, of Kopperl; No. 1154, of Oak Grove; No. 666, of Burkett; No. 2077, of Hampton; No. 435, of Center Point; No. 177, of Fannin; No. 278, of Florence; No. 1920, of Waldo; No. 1339, of Dallas; No. 723, of Crawford; No. 157, of Ballinger; No. 488, of Rusk; No. 1849, of Hurst; No. 2362, of Elmdale; No. 262, of Corpus Christi; No. 66, of San Angelo; No. 416, of Timpson; No. 226, of Dallas; No. 2150, of Topsey; No. 2703, of Buckner; No. 1662, of Neinda; No. 2312, of Arbor; No. 2754, of Jourdan; No. 1121, of Pruitt; No. 1946, of Lasater; No. 2086, of Deadwood; No. 884, of Hill County; No. 2656, of Hutto School House; No. 801, of Duncanville; No. 2616, of Cedar Knob; No. 751, of Randolph; No. 427, of Jacksboro; No. 2148, of Weir; No. 1355, of Index; No. 1624, of Berryville; No. 1544, of Nugent; No. 1783, of Buffalo Springs; No. 354, of Copperas Cove; No. 2230, of Goose-neck; No. 6, of Waco; No. 2118, of Leakey; No. 2186, of Roberts; No. 1, of Dallas; No. 325, of Athens; No. 2726, of Lake Charlotte; No. 50, of San Marcos; No. 2076, of Oakdale; No. 244, of Colorado; No. 13, of Houston; No. 452, of Brady; No. 2500, of Raisin; and No. 2696, of Red River, all of the Woodmen of the World, in the State of Texas, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter; which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Terrell, Gilmer, Clarksville, Iredell, and Leakey, all in the State of Texas, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. JONES. I present a telegram communicating a concurrent resolution of the Legislature of the State of Washington, which I ask may be read and referred to the Committee on Industrial Expositions.

There being no objection, the concurrent resolution was read and referred to the Committee on Industrial Expositions, as follows:

[Telegram.]

OLYMPIA, WASH., January 11, 1911.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

Concurrent resolution No. 1, passed by senate and house, requests that you do all within your power to secure the indorsement at the hands of Congress to the end that San Francisco be designated as the city in which to celebrate the completion of the Panama Canal.

WM. T. LAUBE,
Secretary to the Senate.
LOREN GRINSTEAD,
Chief Clerk of House.

Mr. JONES. I present a telegram in the nature of a petition from the Legislature of the State of Washington, which I ask may be read and referred to the Committee on Commerce.

There being no objection, the resolution was read and referred to the Committee on Commerce, as follows:

[Telegram.]

OLYMPIA, WASH., January 14, 1911.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

The Legislature of the State of Washington earnestly petitions and urges the passage of S. 5677, to promote the efficiency of the Life-Saving Service.

WM. T. LAUBE,
Secretary to the Senate.
LOREN GRINSTEAD,
Chief Clerk of House.

Mr. JONES presented a paper to accompany the bill (S. 9374) authorizing the adjudication and payment of the claim of Charles Dupre, which was referred to the Committee on Claims.

Mr. BROWN presented memorials of sundry citizens of Nebraska City, Omaha, South Omaha, and Edgar, all in the State of Nebraska, and of sundry citizens of De Moines and Council Bluffs, in the State of Iowa, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented sundry affidavits in support of the bill (S. 8982) granting an increase of pension to Daniel Stonebarger, which were referred to the Committee on Pensions.

Mr. BULKELEY presented petitions of Local Camp No. 76, of Thompsonville; Dixwell Camp No. 10, of New Haven; Valley Camp No. 55, of Derby, and of White Oak Camp No. 3, of Waterbury, all of the Woodmen of the World, in the State of Connecticut, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Branford, Conn., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envel-

opes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Elias Howe, jr., Post, No. 3, Grand Army of the Republic, Department of Connecticut, of Bridgeport, Conn., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Hartford, Conn., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New Haven, Conn., praying for the passage of the so-called boiler-inspection bill, which was ordered to lie on the table.

Mr. SUTHERLAND presented a memorial of sundry citizens of American Forks, Utah, remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. PERKINS presented a petition of the Franklin Association, of Alameda County, Cal., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS presented a memorial of the Alliance Cooperative Insurance Co., of Topeka, Kans., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Sabetha, Kans., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. SCOTT presented petitions of sundry employees of the Hinton division of the Chesapeake & Ohio Railway Co., in the State of West Virginia, praying for the enactment of legislation authorizing railroads to charge higher rates for transportation, which were referred to the Committee on Interstate Commerce.

Mr. BEVERIDGE presented petitions of sundry citizens of Tobacco Landing and New Amsterdam, Ind., praying that an appropriation be made for the construction of certain dams near West Point, Ky., which were referred to the Committee on Commerce.

Mr. BRISTOW presented memorials of sundry citizens of Randolph, Downs, Marysville, Abilene, and Culver, all in the State of Kansas, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Larrabee Post, No. 164, of Russell; of Post No. 388, of Meade; of General Francis Marion Post, No. 202, of Florence; of Local Post No. 41, of Hill City; of W. S. Robertson Post, No. 428, of Goodland; and of Robert Anderson Post, No. 45, of Smith Center, all of the Grand Army of the Republic, Department of Kansas, praying for the establishment of a volunteer officers' retired list, which were referred to the Committee on Military Affairs.

He also presented a petition of Garfield Post, No. 25, Grand Army of the Republic, Department of Kansas, of Wichita, Kans., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. DICK presented petitions of Local Lodges No. 294, of Piqua; No. 1251, of Columbus; No. 1829, of Lima; No. 2809, of Cleveland; and No. 348, of Linden Heights, all of the Modern Brotherhood of America; of Local Camps No. 198, of Troy; No. 2, of Findlay; No. 942, of Columbus; No. 17, of North Baltimore; No. 23, of Fremont; and No. 31, of Toledo, all of the Woodmen of the World; and of Local Chapter No. 345, American Insurance Union, of Barberton, all in the State of Ohio, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Tenth Avenue Baptist Church, the Second Baptist Church, and the Monroe Avenue Lutheran Church, of Columbus, Ohio, praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which were referred to the Committee on the Judiciary.

He also presented a petition of the Retail Grocers' Association of Akron, Ohio, and a petition of the Woman's Literary Club of Portsmouth, Ohio, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Neelyville Grange, No. 299, Patrons of Husbandry, of Newcastle, Ohio, praying that New

Orleans, La., be selected as the site for holding the proposed Panama Canal Exposition, which was referred to the Committee on Industrial Expositions.

He also presented memorials of the Holopham Co., of Newark; the Buckeye Savings & Loan Co., of Bellaire; the Shovel Co., of Conneaut; A. D. Lugibihl & Son, of Bluffton; H. C. Wine, of Zanesville; W. D. Rapp & Son, of Sabina; J. A. Harper Manufacturing Co., of Greenfield; Northeastern Ohio Normal College, of Canfield; John Holm, of Omar; A. I. Clymer, of Van Wert; Demas Lodge, No. 108, Knights of Pythias, of Bucyrus; West Unity Banking Co., of West Unity; Trade China Co., of East Liverpool; Putnam Telephone Co., of Ottawa; Lodge No. 227, Free and Accepted Masons, of Findlay; Progressive Association of Bellaire; No. 182 Knights of Pythias Lodge, of Wellsville; Ohio and Indiana Grain and Flour Shippers' Traffic Association, of Piqua; Canby, Ach & Canby Co., of Dayton; Ohio Sand Co., of Conneaut; J. & H. Closgeus Co., of New Richmond; Standard Cereal Co., of Chillicothe; John T. Harbin, jr., of Xenia; and the Athens Printing Co., of Athens, all in the State of Ohio, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry Grand Army posts, Nos. 311, of Gratiot; 97, of Kenton; 39, of Genoa; 555, of Canton; 223, of Carrollton; 639, of Braceville; 37, of Cuyahoga Falls; 496, of Albany; 41, of Wapakoneta; 27, of Fostoria; 110, of Bloomdale; 451, of Columbus; 296, of Orrville; 327, of Ravenna; 479, of Moscow; 591, of Mentor; 534, of Gnadenhutten; 134, of Massillon; 164, of Portsmouth; 96, of Hamilton; 24, of Grand Rapids; 75, of Gilboa; 360, of Westboro; 154, of McComb; 204, of Harrison; 578, of Ottawa; 98, of Urbana; 149, of Bryan; 169, of Medina; 449, of Idaho; 150, of Kinsman; 729, of Alliance; 64, of Columbus Grove; 592, of Parks Mills; 208, of Shiloh; 44, of East Liverpool; 347, of Xenia; 647, of Randolph; 224, of Cleves; 342, of Blanchester; 574, of Remson Corners; 140, of Logan; 17, of Painesville; 54, of Findlay; 25, of Canton; 133, of Wooster; 213, of Lebanon; 139, of Collinwood; 145, of Dayton; and 245, of Richmond, all in the State of Ohio, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented memorials of Smith & Schott Co., of Wooster; Freeland & Co., of Wooster; Gray & Smith, of Wooster; W. S. George Pottery Co., of East Palestine; East Palestine Pottery Co., of East Palestine; General Fire Proofing Co., of Youngstown; Iron & Steel Co., of Youngstown; Prof. Lewis G. Westgate, of Delaware; Prof. Herbert Welch, of Delaware; S. D. Webb, of Delaware; B. E. Cartwell, of Delaware; Schable & Smith, of Troy; Troy Carriage Sunshade Co., of Troy; Edwin B. Cox, superintendent of schools of Xenia; G. A. Resek, of Lorain; Geo. S. Heasley, of Poland; Lagonda Mfg. Co., of Springfield; Coffin & Casket Co., of Springfield; Robbins & Myers, of Springfield; F. A. Wilcox, of Akron; Consolidated Rubber Tire Co., of Akron; Grimm & Lehniger, of Akron; Colonial Salt Co., of Akron; Alkali Rubber Co., of Akron; McQueeney Chemical Co., of Akron; Hall-Harter Insurance Co., of Akron; Mallon & Vordenberg, of Cincinnati; Kilwinning Lodge, F. & A. M., of Cincinnati; Guardian Savings & Trust Co., of Cleveland; Joseph & Freiss Co., of Cleveland; Bishop & Babcock Co., of Cleveland; Superior Foundry Co., of Cleveland; Standard Sewing Machine Co., of Cleveland; Ginn Co., coal, coke, etc., of Ironton; Globe Pottery Co., of East Liverpool; R. R. Jacobs Co., of Waynesburg; C. C. Haffixer, of Orrville; Peerless Laundry Co., of Elyria; S. Rindsford & Sons Co., of Circleville; S. A. McNeil, of Richmond; Young Bros., of Seaman; C. O. Barnhouse, of Agosta; Marysville Light & Water Co., of Marysville; Bachtel Lumber Co., of Canton; Richards & Evans Co., of Cortland; West Lafayette College, of West Lafayette; Bryan Manufacturing Co., of Bryan; Ohio Galvanizing & Manufacturing Co., of Niles; Odenweller Milling Co., of Ottoville; and Chamberlin Bros., of Geneva, all in the State of Ohio, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Public Lands, to which was referred the bill (S. 9957) to authorize the sale of burnt timber on the public lands, and for other purposes, reported it with amendments and submitted a report (No. 969) thereon.

Mr. BACON, from the Committee on the Judiciary, to which was referred the bill (H. R. 15665) providing for the appointment of deputy clerks to the United States circuit court of appeals, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PERCY:

A bill (S. 10247) to confer jurisdiction on the Court of Claims to adjudicate the claims of the heirs at law of Greenwood Leflore, deceased, late chief of the Choctaw Nation; to the Committee on Claims.

By Mr. JONES:

A bill (S. 10248) to promote the safety of travelers and employees upon railroads by compelling common carriers engaged in interstate commerce to adopt uniform rules for the operation of railroad trains and to use a uniform system of signals for authorizing the movement of railroad trains; to the Committee on Interstate Commerce.

By Mr. SWANSON:

A bill (S. 10249) for the relief of the heirs of John Sullivan, deceased; to the Committee on Claims.

By Mr. BEVERIDGE:

A bill (S. 10250) granting an increase of pension to McCulloch Talley (with accompanying paper); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 10251) granting a pension to Katie A. Stewart; to the Committee on Pensions.

By Mr. FRYE:

A bill (S. 10252) granting an increase of pension to Thatcher Vose (with accompanying papers); to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 10253) granting an increase of pension to John Mallet (with accompanying paper); to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 10254) granting an increase of pension to Levi T. Pond (with accompanying papers); to the Committee on Pensions.

A bill (S. 10255) to amend section 2 of the act approved February 17, 1898, entitled "An act to amend the laws relating to navigation;" to the Committee on Commerce.

By Mr. SMITH of Michigan:

A bill (S. 10256) establishing a light and fog-signal station on Michigan Island, Lake Superior; and

A bill (S. 10257) establishing a light and fog-signal station at Portage River Pierhead, Mich.; to the Committee on Commerce.

A bill (S. 10258) granting a pension to Hattie L. Fox;

A bill (S. 10259) granting a pension to Louisa Moorman;

A bill (S. 10260) granting a pension to Nora Julia Buchanan;

A bill (S. 10261) granting a pension to Viola Louisa Buchanan; and

A bill (S. 10262) granting an increase of pension to Patrick Culhan (with accompanying paper); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 10263) to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases; to the Committee on the District of Columbia.

By Mr. LODGE:

A bill (S. 10264) providing for a site for a public building at Provincetown, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. CUMMINS:

A bill (S. 10265) granting an increase of pension to R. M. J. Coleman (with accompanying papers); and

A bill (S. 10266) granting pensions to soldiers, sailors, and marines confined in Confederate prisons; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 10267) for the relief of Mary S. Ming (with accompanying papers); to the Committee on Claims;

A bill (S. 10268) granting to the Ozark Power & Water Co. authority to construct a dam across White River, Mo.; to the Committee on Commerce; and

A bill (S. 10269) granting a pension to Alvah H. Mitchell (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 10270) for the relief of the Associate Reformed Presbyterian Church, near Winnsboro, S. C.; to the Committee on Claims.

By Mr. CRANE:

A bill (S. 10271) granting an increase of pension to Clara Magnitzky; and

A bill (S. 10272) granting an increase of pension to William Kathan; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 10273) granting an increase of pension to Minnie Wadsworth Wood; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 10274) to authorize construction of the Broadway Bridge across the Willamette River at Portland, Oreg.; to the Committee on Commerce.

By Mr. WARREN:

A bill (S. 10275) relative to the joint operations of the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

By Mr. CUMMINS:

A bill (S. 10276) granting a pension to Elroy R. Cary (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TALIAFERRO submitted an amendment relative to securing a channel of suitable width and depth from deep water at or below Commodore Point to deep water above Six Mile Creek westward of the middle ground between Arlington Cut and the western shore of the St. Johns River, Fla., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$9,200 for improving the Exeter River, N. H., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DU PONT submitted an amendment relative to an appropriation to be used in the engineer district of the State of Delaware, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate \$56,000 for the completion of the improvement of the Potomac River at Alexandria, Va., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CURTIS (for Mr. OLIVER) submitted an amendment authorizing the Secretary of War to cause a preliminary examination to be made of a route for a waterway suitable for transportation of barges from the junction of the Ohio and Beaver Rivers in Pennsylvania, by way of the Beaver and Mahoning Rivers, to a point at or near Niles, Ohio, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate \$3,500 for the salary of the attorney in charge of titles, Department of Justice, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to increase the salary of two civil engineers, office of the Quartermaster General, from \$1,800 to \$2,400, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment proposing to increase the salary of the file clerk, office of the Secretary of the Senate, from \$2,220 to \$2,500, intended to be proposed by him to legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NIXON submitted an amendment proposing to increase the appropriation for clerks in the office of the surveyor general, of Nevada, from \$7,000 to \$10,000, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate \$125,000 for improving the Illinois and Mississippi Canal, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

CLAYTON-BULWER TREATY.

Mr. ROOT. I ask unanimous consent to submit a motion for the printing as a public document (S. Doc. No. 746) of a memorandum prepared by the State Department at the time of the canal treaty with Great Britain regarding the abrogation of the Clayton-Bulwer treaty. It was submitted then to the Committee on Foreign Relations confidentially, but there seems to be no occasion for continuing that course. I ask to have it

printed as a public document and that my motion be referred to the Committee on Printing.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Is there any objection to the request of the Senator from New York? The Chair hears none, and the motion will be referred, with the paper, to the Committee on Printing.

CENTRAL OFFICE OF POSTAL SAVINGS SYSTEM.

Mr. BACON. Friday the Senate passed the bill (S. 9850) to authorize the board of trustees of the Postal Savings System to rent quarters for a central office in the city of Washington, D. C. I have been informed by the chairman of the Committee on Public Buildings and Grounds, who was not then present, that the Government now owns a large number of buildings in the territory which has been acquired with a view to the subsequent erection of large public buildings which can be utilized for this purpose and which will not be destroyed probably for some time, as it will be some time before work can be begun on those buildings. It seems to me, in view of that, that this is an unnecessary expense, and I desire therefore to enter notice of a motion to reconsider the action of the Senate.

I desire to state in this connection that probably when the matters come up reasons may be suggested why these buildings can not be utilized and why the action of the Senate should stand. If so, of course, the motion will not be pressed. But I think, in view of the statement made by the chairman of the Committee on Public Buildings and Grounds, there should be at least an opportunity for the Senate to pass upon the question whether the board of trustees can find quarters without trespassing upon the fund we have appropriated for the establishment of the postal savings banks.

I therefore enter the motion to reconsider, this being within the time, the bill having passed on Friday, and if the bill has been sent to the House, I add a request that it be returned to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion to reconsider was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On January 13:

S. 115. An act for the relief of Marcellus Troxell.

On January 14:

S. 3904. An act for the relief of the Merritt & Chapman Derrick & Wrecking Co.

HOUSE BILLS REFERRED.

The following bills were severally read by their titles and referred to the Committee on Pensions:

H. R. 30135. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30886. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 31161. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 31172. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

FOURTH INTERNATIONAL CONFERENCE OF AMERICAN STATES.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 744), which was read and, with accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and the House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing a report, with accompanying papers, of the delegates of the United States to the Fourth International Conference of American States, held at the city of Buenos Aires from July 12 to August 30, 1910.

THE WHITE HOUSE, January 16, 1911.

WM. H. TAFT.

REPORT OF PANAMA RAILROAD CO.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 743), which was read and, with the accompanying paper, referred to the Committee on Inter-oceanic Canals and ordered to be printed:

To the Senate and the House of Representatives:

I transmit herewith for the information of the Congress the Sixty-first Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1910.

WM. H. TAFT.

THE WHITE HOUSE, January 16, 1911.

FUNERAL EXPENSES OF THE LATE STEPHEN B. ELKINS.

Mr. SCOTT submitted the following resolution (S. Res. 322), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator STEPHEN B. ELKINS, from the State of West Virginia, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

INTERIOR DEPARTMENT AND FOREST SERVICE.

Mr. PURCELL. I offer the following resolution and ask that it be read and lie on the table.

The resolution (S. Res. 323) was read, as follows:

Whereas on the 19th day of January, 1910, a joint resolution was adopted by the Senate and the House of Representatives for the purpose of investigating the action and conduct of the Interior Department and its several bureaus, officers, and employees, and of the Bureau of Forestry in the Department of Agriculture, with directions to the committee appointed to make such investigation and report to this Congress the evidence taken and the committee findings and conclusions thereon; and

Whereas the committee appointed to make such investigation has concluded its labors, and has reported the evidence taken, and also the findings and conclusions thereon made and reached by the members of said committee; and

Whereas there is disagreement among the members of said committee as to the findings and conclusions which should be drawn from the evidence taken and received by said committee: Therefore,

Resolved, That it is the sense of the Senate that the findings and conclusions reported by certain members of said committee to the effect that Mr. Richard A. Ballinger, Secretary of the Interior, has not been true to the trust reposed in him as such Secretary, that his administration of that office has been marked by a lack of fidelity to the public interests, that he is not deserving of public confidence and should not longer be retained in that office, are based upon and in substantial conformity with the evidence reported by the committee.

Mr. HALE. Mr. President—

The PRESIDING OFFICER. The Senator from North Dakota asks that the resolution lie on the table.

Mr. HALE. Mr. President, I hope the Senator from North Dakota will not call up the resolution for any action at any time unless there is a full Senate. I was going to make the point of order that it go over for a day, but finding he desires that it shall remain on the table, to be called up hereafter, I shall not object to that.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. HALE. What was the final disposition of the resolution submitted by the Senator from North Dakota?

The PRESIDING OFFICER. The resolution submitted by the Senator from North Dakota lies upon the table by his request.

Mr. HALE. There is no objection to that.

The PRESIDING OFFICER. Morning business is closed.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. Mr. President, I rise to say that on Thursday next at 2 o'clock, and immediately after the disposition of the unfinished business, I shall submit some remarks upon Senate joint resolution 134 proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, and I shall at that time undertake to have a time fixed for a vote upon the joint resolution.

Mr. SUTHERLAND. Mr. President, I ask the Senator from Idaho whether it is his intention to call up the joint resolution between now and that date?

Mr. BORAH. It is not my intention to call it up before Thursday, although it is not my intention to permit any opportunity to go by in case we reach it in the disposition of business under Rule VIII on the calendar. I shall not myself, however, urge its consideration before Thursday.

Mr. CURTIS. Mr. President, I should like to ask the Senator from Idaho if he will not fix the date on Friday next. I am very anxious to be here when the vote is taken. I am in favor of the proposition, but it will be impossible for me to be present on Thursday.

Mr. RAYNER. Mr. President, we can not hear a word on this side of the Chamber about what disposition is to be made of this important joint resolution on account of the confusion in the Senate Chamber.

Mr. CURTIS. I requested the Senator from Idaho, if possible, to put off calling up the joint resolution until next Friday.

Mr. BORAH. I was only going to call up the joint resolution on Thursday for some remarks and for the purpose of securing a date thereafter for voting upon the joint resolution and amendments. It was not my purpose to dispose of it at that time. I had no such hope as that.

Mr. CURTIS. That will be satisfactory to me if there is no danger of a vote on that day.

Mr. HALE. Mr. President—

Mr. BORAH. I yield to the Senator from Maine.

Mr. HALE. I should be very glad, Mr. President, in the interest of the dispatch of the necessary business of the Senate, if the Senator would call up this joint resolution earlier than Thursday. So far as I can see, the prospect is that not much of anything is likely to be done this week and that no progress will be made upon any important matters that will be before the Senate. There are no appropriation bills that will be called up, because the Indian appropriation bill, it has been agreed, shall go over until the return of an absent Senator. I can not find, by dint of rather urgent inquiry, any Senator who is anxious to take the floor upon the privileged question involving the senatorship from Illinois or upon the shipping bill, which is the unfinished business. With certain responsibility as to appropriation bills, and the necessity of passing them before the 4th of March, with the time running out, with the fact that one-half of the session is already over, and that none of the appropriation bills have passed, except one deficiency bill, I am, Mr. President, disturbed by the condition of the business of the Senate. The desire for postponement, for delay, and the unreadiness upon subjects that we know will be and must be discussed here, threaten the practical confiscation of this week without anything being done. I wish the Senator in charge of the joint resolution proposing a constitutional amendment had been able to call this matter up, as he indicated on Friday he would, early this week. The sooner a matter of that kind is brought before the Senate for action—it is plain to see what the action of the Senate will be; there will be no obstructive tactics; it will undoubtedly be debated and opposed—the sooner we shall have it out of the way. The sooner we shall have the privileged question relating to the Illinois senatorship out of the way, and also the unfinished business, the shipping bill, the more space there will be in the last days of the session for the appropriation bills. The alternative, as the Senator can see, is the danger of not being able to pass the appropriation bills. I think everybody understands—there is but one opinion about that—that we should pass all the appropriation bills at this session and have them out of the way.

I do not say this as in any way spurring up the Senator. I know how difficult it is for any Senator who has charge of a measure to find Senators ready to speak. While they want to speak, they do not want to speak now; they want to speak at some other time; but I hope the Senator will bear in mind, in conducting this matter, to push it just as strenuously as he can.

Mr. BORAH. Mr. President, I am very glad to have the suggestion of the Senator from Maine, and I will heed it, so far as urging this matter is concerned, having due reference to the convenience of those who want to discuss the subject to some extent. After consulting a number of Members of the Senate I found that Thursday was the first day we could conveniently consider the matter without disturbing some of the plans and arrangements of Senators, and, therefore, I fixed that date; but, in view of the suggestion of the Senator from Maine, I will again test the sense of the Senate upon this matter by asking unanimous consent that we take up this joint resolution and all amendments which have been offered or which may be offered to it upon the 31st of January, immediately after the reading of the Journal, and that we vote upon the original joint resolution and all amendments before adjournment upon that date.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Idaho?

Mr. HEYBURN. Mr. President, I think the Senator from Idaho, my colleague, must be well aware of the fact that there is slight probability of obtaining unanimous consent to fix a time to vote upon a measure of this importance before it has been discussed at all. In the first place, those of whom the request is made will want to know something of the position developed by the discussion of the joint resolution. Such a request should never be made until after a measure has been thoroughly discussed. I have always regarded it more in the

nature of what is sometimes, in unparliamentary language, called a "bluff" when an attempt is made to get unanimous consent to vote upon something that is yet within the sack.

There are not half a dozen Senators in this body who know the shape and form in which the joint resolution will present itself after it has been discussed. It was my intention this morning, if it came up, to suggest some criticisms or criticism upon the joint resolution. The idea of creating a desert waste between now and some future day, in which nothing will be added to the information upon which Senators may act in determining how they will vote, does not seem to me to indicate a desire that a measure shall be so fully considered and that the wishes and the views of Senators shall be so fully considered as is commensurate with the consideration that should be given to a measure of this kind.

I say this in order that the Senator may not lose time by waiting until Thursday in the hope that he will then speedily and promptly get unanimous consent to vote upon the joint resolution. I shall not agree to unanimous consent to vote upon this measure until I have heard it discussed here thoroughly. I have not accumulated all the wisdom that is possible to be accumulated upon a measure of this kind. I have no doubt that I shall gather much from the discussion of it, but I shall not have enough to consent to a vote upon it until I have heard it discussed, giving full credit to that which I have gathered myself.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Objection is made to the request.

Mr. BORAH. I understand so. I only wish to say that I understood, of course, that objection would be made. I thought, however, in view of the suggestion of the Senator from Maine [Mr. HALE], whose suggestions we ought at all times to heed in the matter of disposing of business, that it was my duty to make this request. I am very sorry I did so, for I am sure that if my colleague has not accumulated sufficient wisdom to pass upon it the rest of the Senate must be in a deplorable condition. [Laughter.]

Now, Mr. President, I will renew the statement which I made a few moments ago, that upon Thursday I will address the Senate upon the subject of the joint resolution, and that at that time, taking it up after 2 o'clock, I shall undertake to get a time fixed for voting upon it, if not by unanimous consent, possibly in some other way.

Mr. BEVERIDGE and Mr. HEYBURN addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BEVERIDGE. Mr. President—

Mr. HEYBURN. Mr. President, I think I had the floor.

Mr. BEVERIDGE. No; the Senator's colleague [Mr. BORAH] had the floor and he yielded to the senior Senator from Idaho [Mr. HEYBURN] for some remarks. The Senator concluded his remarks and the Senator from Indiana was recognized by the Chair.

Mr. President, I had hoped, in view of the statement made by the senior Senator from Idaho [Mr. HEYBURN], that the junior Senator from Idaho [Mr. BORAH] would immediately press his joint resolution, not only to-day, but to-morrow and every other day when it would be consistent with the conduct of other business. I should not have made this suggestion a day ago or to-day except for the statement and attitude of the senior Senator from Idaho.

The statement of the Senator from Maine [Mr. HALE], of course, must have impressed everybody. I suppose we have all had it on our minds; but the Senator might have added another consideration which is a melancholy one, which we must meet, and which it is our sad duty to meet.

Of the six working weeks remaining to do business, one full week is to be given up, as is the custom of this body, to the tributes of the Senate to deceased Members. I think it has been stated before that the present circumstance in that regard is unique in the history of this body.

That leaves five weeks. During those five weeks the appropriation bills must be passed. In at least one of those is involved a great question, one which will occasion, even if it does not require, debate, and it may—it may so turn out—that two questions of general legislation will rise in these appropriation bills. In addition to this, there is the question, barely touched upon by the Senator from Maine, of the conclusion of the Senate upon the question raised by the case of the Senator from Illinois [Mr. LORIMER].

In addition to that there is the very important joint resolution so widely demanded by the people of this country and which involves a change in our fundamental law—the one in charge of the junior Senator from Idaho. In addition to that there is a large question of fundamental legislation which

is demanded universally by the business men of the country and to which at least one great party is committed. I refer to the tariff commission.

Now, there are five, to mention no other, really unusual questions which must be determined within five weeks. If it had not been for a satisfactory private conference with the Senator from Michigan this morning, I having expected him to go on and other Senators having expected him to go on to-day with the election case before us, I would have asked when he expected to proceed. But he does expect to proceed not later than Wednesday, and possibly to-morrow, and hence I do not ask that question; but all of us ought to face the exact situation if we expect these things to be passed within the limit of time at our command.

I was not present when the junior Senator from Idaho stated why it was that he was going to put off his resolution until Thursday, and unfortunately am not advised, but I suggest to every Senator who has any of these measures at heart that diligence is not only advisable, but absolutely vital. If the Senator's measure is to be passed at all, he can not lose a minute. If the election case is to be concluded nobody can lose a minute. If the appropriation bills are to be passed, including one or two great big questions, not a minute can be lost.

Everybody knows that five determined men here acting in concert can defeat any measure or any proposition before this body. We might just as well be frank with ourselves and the country. There are five working weeks and a greater congestion of business of wide consequence than the veteran Senators of this body have ever seen in their experience. It is for this reason, Mr. President, that I had hoped that the junior Senator from Idaho, who is so profoundly interested in this measure, but no more so than his colleagues who are supporting him, would avail himself of every moment.

I want to say in this connection, too, that I understand—and I state it because several Senators have asked me what I knew about it, and I knew nothing about it until a few moments ago, and I have this upon the authority of the Senator from Michigan—that the debate in the election case will proceed either to-morrow or Wednesday; not later. So Senators who have spoken to me or intend to address the Senate on that subject will have notice of that. And I understand also that the measure is to be pushed to a reasonably speedy conclusion.

Mr. BORAH. Mr. President, I simply want to say that I do not feel that I have lost any time in regard to this matter in view of conditions which I know to exist. I have canvassed the situation with some degree of care since Friday, and I feel that the matter is being urged as rapidly as it can be urged and make any progress. I am very glad that the anxiety for speedy movement is developing in all quarters.

Mr. GALLINGER. Mr. President, in view of the legislative tangle that is impending it is proper that I should make a single observation in reference to the unfinished business.

At the last session of Congress the so-called ocean mail bill was made the unfinished business, and it has been such from that time to the present. I had hoped that the debate on the bill would proceed continuously after it had been brought before the Senate at the beginning of this session. But no Senator was prepared to speak, and it drifted along until a few days ago, when I made some brief observations, trusting then that the measure would be discussed from day to day.

So far as I can ascertain—I may not be well informed on the question—there are very few Senators who desire to speak on the bill. I think it is conceded that it is a very simple proposition and one that ought to be voted upon without any unnecessary delay. The Senator from Ohio [Mr. BURTON] who is always greatly interested in these measures—and I regret to say that his views are opposed to those I hold—has intended to speak; I think he had planned to do so several days ago. But the Senator, like some of the rest of us, has been very greatly engrossed in the work of the Committee on Commerce, and he tells me this morning that he is not quite prepared to proceed.

Mr. President, I have never engaged in a filibuster in the 20 years I have been in the Senate, and I hope I never will be forced to do that. I do not like that kind of legislative procedure; and all I ask for the unfinished business is that it shall be treated fairly, and that we may come to a vote on the bill sufficiently early to send it to the House, if that shall be the judgment of the Senate, so that the House may have proper time for its consideration.

I now suggest that when the bill shall be reached at 2 o'clock I will venture to ask that a day be fixed for a vote upon the amendments and the bill, making it sufficiently late for every Senator who desires to speak on the measure to have an opportunity to do so. If it drifts along as it has been doing it is very evident that in the tangle that is before us it may

be displaced and not be voted upon at all, which certainly would not be agreeable to me, and which might lead me, in charge of that bill, to do some things in reference to other matters that I do not want to do. So, as I have suggested, at 2 o'clock I will venture to ask that a day for a vote be fixed, and I trust there may be no objection to that request when it shall be made.

Mr. HEYBURN. Mr. President, I had felt inclined to confer with the Senator from New Hampshire [Mr. GALLINGER] upon the propriety of objecting to the laying aside of the unfinished business as a means of securing action upon it. I am very heartily in sympathy with the measure and have been since the matter has been a public question. I expect that the Senate would be ready to vote upon it at a very early day were it pressed every day at 2 o'clock, to the exclusion of every other measure. I am inclined to think that that may become necessary at a very early day. Of course, it has the right of way, and an objection to its being laid aside will compel its continued consideration. I regard it as one of the most important measures before Congress, so much more important than these sensational questions that are being pressed as to leave no cause for hesitation in determining my action, at least.

There is real legislation here pending and there are measures pending that are hardly within the class of legislation. They are measures generally emanating from some sensational climax or episode. They do not command my very serious attention. But matters of legislation that are to be, if enacted, a part of the law of the land, are a very different proposition. The shipping bill is one of that class. The revision of the laws affecting the judiciary of the United States and the courts, with 30 years of accumulated legislation to be written into the law, is real legislation. While the Senate seems content to leave it to a few of its Members and to trust them to formulate it and to press it, yet nevertheless it should bear in mind at all times that having imposed a duty of that kind upon Members of the Senate, it should be ready at any time to take up those measures when its committee is ready.

It is my intention every day at a proper time to ask that the Senate proceed to the consideration of that measure. It is the result of 20 years of experience and expense, and the work of the consideration of that measure in this body has occupied a considerable time. It could be finished at any two sessions during that period of the session before 2 o'clock if we could have the attention of the Senate. It may be that I will not receive unanimous consent to proceed with the consideration of it, and, it being under Rule IX, I shall then be compelled to move to take it up, and that was my intention and I was rising to my feet this morning for that purpose when my colleague called the attention of the Senate to the joint resolution which is intended to change the foundations of this body. I may be pardoned for classing that as sensational legislation, and yet I feel compelled to do it.

Mr. HALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. It depends for what purpose. I do not yield to a motion to adjourn. [Laughter.]

Mr. HALE. I want to help the Senator.

Mr. HEYBURN. I saw it done the other day, and I was wondering—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. If the Senator will state his purpose, I will determine.

Mr. HALE. I want to help the Senator with his bill, which, as he says, is real legislation. I interrupted him to ask whether in this hiatus that we are in to-day, with nobody ready to go on with anything else, he could not get up his bill.

Mr. HEYBURN. I have the bill before me on the desk, and I had risen for the purpose of asking its consideration when my colleague interposed.

Mr. HALE. That matter is out of the way. I hope the Senator will get up his most important bill and stick to it through the entire day. I do not think anybody else will interfere with him, and I will not even make a motion to adjourn.

✓ REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. Mr. President, if there is nothing else pending—there is nothing more important; I will decide that—I move that the Senate proceed to consider the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

Mr. BORAH. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. I must yield for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Idaho moves that the Senate proceed to the consideration of what is known as the codification bill.

Mr. BORAH. Mr. President—

Mr. HEYBURN. Let the question be put, if you please, and then I will yield.

Mr. BORAH. I understand this is a motion.

Mr. HEYBURN. Yes; a motion.

The PRESIDING OFFICER. It is a motion.

Mr. BORAH. I should like to inquire whether if the motion prevails it will give this bill any status after to-day other than it would have if the motion had not prevailed.

Mr. HEYBURN. No; not at all.

The PRESIDING OFFICER. Not unless the Senate so directs.

Mr. GALLINGER. Not after 2 o'clock, at any rate.

Mr. HEYBURN. No.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho [Mr. HEYBURN].

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. HEYBURN. In order that the minds of Senators may be refreshed, when chapter 5—

Mr. BEVERIDGE. Will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Yes.

Mr. BEVERIDGE. I merely want to straighten out the matter by referring to what occurred here before the holidays, and what, if not called attention to now, might lead to an unnecessary tangle hereafter.

The Senator from New Hampshire, whose parliamentary procedure I never criticize, has suggested that he proposed to keep the unfinished business before the body, and the Senator from Idaho called attention to the fact that he should do so. I merely want to call the attention of the Senator from Idaho to the fact that the Senator from New Hampshire, seasoned parliamentarian that he is and scrupulous observer of the proprieties, said most appropriately when the question of the election case was raised before the holidays, when he objected and gave good reasons for objecting to the request for unanimous consent, that he would see to it that the unfinished business at no time stood in the way either of the discussion or disposition of that question; and I merely repeat that so that the RECORD may not be confused by what the Senator from Idaho said, unexplained by this statement.

Mr. HEYBURN. Mr. President, on March 30 last this bill was laid aside at the consideration of section 131, but by unanimous consent we had passed over chapter 5. Chapter 5 deals with the creation and organization of the districts throughout the entire United States, and at that time all Senators were not sufficiently advised as to whether the description of the districts in the bill conformed to their impression as to the accurate descriptions, and it was suggested that by passing over that chapter they would have an opportunity to investigate its provisions and see whether as a matter of fact the descriptions were correctly described. There has been a considerable length of time and in order that Senators might have the opportunity sometime ago I had an amendment prepared which accurately states the present status of the judicial districts in the United States subject to the notes in regard to one or two districts where the changes are agreed upon. I find on the desk this morning a proposed amendment introduced on Friday by the Senator from Florida [Mr. FLETCHER] with reference to the districts in that State. There will be no controversy on the part of the committee; where any Senator makes a statement to the Senate that the districts are other than enumerated in this amendment, it will be conceded. So I ask that the Secretary proceed to read chapter 5, and I would suggest to Senators when their States are reached that they indicate any corrections they may have to offer.

The PRESIDING OFFICER. The Secretary will proceed to read chapter 5.

Mr. HEYBURN. Read the amendment. I have offered the amendment.

The Secretary read as follows:

CHAPTER 5.

DISTRICT COURTS—DISTRICTS, AND PROVISIONS APPLICABLE TO PARTICULAR STATES.

Sec.
67. Judicial districts.
68. Alabama.
69. Arkansas.
70. California.
71. Colorado.
72. Connecticut.

Sec.
73. Delaware.
74. Florida.
75. Georgia.
76. Idaho.
77. Illinois.
78. Indiana.

Sec.

79. Iowa.
80. Kansas.
81. Kentucky.
82. Louisiana.
83. Maine.
84. Maryland.
85. Massachusetts.
86. Michigan.
87. Minnesota.
88. Mississippi.
89. Missouri.
90. Montana.
91. Nebraska.
92. Nevada.
93. New Hampshire.
94. New Jersey.
95. New York.
96. North Carolina.

Sec.

97. North Dakota.
98. Ohio.
99. Oklahoma.
100. Oregon.
101. Pennsylvania.
102. Rhode Island.
103. South Carolina.
104. South Dakota.
105. Tennessee.
106. Texas.
107. Utah.
108. Vermont.
109. Virginia.
110. Washington.
111. West Virginia.
112. Wisconsin.
113. Wyoming.

Sec. 67. The United States are divided into judicial districts as follows:

Sec. 68. [The State of Alabama is divided into three judicial districts, to be known as the northern, middle, and southern districts of Alabama. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Cullman, Jackson, Lawrence, Limestone, Madison, and Morgan, which shall constitute the northeastern division of said district; also the territory embraced on the date last mentioned in the counties of Colbert, Franklin, Lauderdale, Marion, and Winston, which shall constitute the northwestern division of said district; also the territory embraced on the date last mentioned in the counties of Cherokee, DeKalb, Etowah, Marshall, and St. Clair, which shall constitute the middle division of said district; also the territory embraced on the date last mentioned in the counties of Blount, Fayette, Jefferson, Lamar, Shelby, and Walker, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Calhoun, Clay, Cleburne, and Talladega, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa, which shall constitute the western division of said district. Terms of the district court for the northeastern division shall be held at Huntsville on the first Tuesday in April and the second Tuesday in October; for the northwestern division at Florence on the second Tuesday in February and the third Tuesday in October; *Provided*, That suitable rooms and accommodations for holding court at Florence shall be furnished free of expense to the Government; for the middle division at Gadsden on the first Tuesdays in February and August; *Provided*, That suitable rooms and accommodations for the holding court at Gadsden shall be furnished free of expense to the Government; for the southern division at Birmingham on the first Mondays in March and September, which courts shall remain in session for the transaction of business at least six months in each calendar year; for the eastern division at Anniston on the first Mondays in May and November; and for the western division at Tuscaloosa on the first Tuesdays in January and June. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Anniston, at Florence, and at Gadsden, which shall be kept open at all times for the transaction of the business of said court. The district judge for the northern district shall reside at Birmingham. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Autauga, Barbour, Bullock, Butler, Chilton, Chambers, Coosa, Covington, Crenshaw, Elmore, Lee, Lowndes, Macon, Montgomery, Pike, Randolph, Russell, and Tallapoosa, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Coffee, Dale, Geneva, Henry, and Houston, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Montgomery on the first Tuesdays in May and December; and for the southern division at Dothan on the first Mondays in June and December. The clerk for the middle district shall maintain an office, in charge of himself or a deputy, at Dothan, which shall be kept open at all times for the transaction of the business of said division. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Dallas, Hale, Marengo, Perry, and Wilcox, which shall constitute the northern division of said district. Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November; and for the northern division at Selma on the first Mondays in May and November.]

Mr. HEYBURN. I call the attention of the Senator from Alabama [Mr. JOHNSTON] to the memorandum that will be found attached to the amendment:

Sec. 68. Existing law requires that a term of court shall be held at Anniston, in the eastern division of the northern district, on the first Monday in November, and also at Florence, in the northwestern division of that district, on the same date.

There was a condition of affairs that the committee has taken the privilege of correcting, because the court could not sit at both places. It also requires a term to be held at Florence on the first Monday of February, and a term to be held at Gadsden, in the middle division, on the first Tuesday of February. That is an impossible physical condition. So to remedy this conflict in dates, on the recommendation of the district attorney whom we corresponded with, it is proposed to change the time for holding court at Florence to the second Tuesday of February and the third Tuesday of October. I call attention to it, because it was a condition that we had to deal with.

Mr. JOHNSTON. Yes; I think that will be entirely satisfactory. I think that the changes made by the committee are not only necessary, but will be entirely satisfactory and convenient to the citizens of the district.

The Secretary read as follows:

Sec. 69. [The State of Arkansas is divided into two districts, to be known as the eastern and western districts of Arkansas. The western

district shall include the territory embraced on the 1st day of July, 1910, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, Columbia, Nevada, Ouachita, Union, and Calhoun, which shall constitute the Texarkana division of said district; also the territory embraced on the date last mentioned in the counties of Polk, Scott, Yell, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson, which shall constitute the Fort Smith division of said district; also the territory embraced on the date last mentioned in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy, which shall constitute the Harrison division of said district. Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the Fort Smith division at Fort Smith on the second Mondays in January and June; and for the Harrison division at Harrison on the second Mondays in April and October. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Mississippi, Crittenden, Lee, Phillips, Clay, Craighead, Poinsett, Greene, Cross, St. Francis, and Monroe, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Independence, Cleburne, Stone, Izard, Sharp, Fulton, Randolph, Lawrence, and Jackson, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Arkansas, Ashley, Bradley, Chicot, Clark, Cleveland, Conway, Dallas, Desha, Drew, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, White, and Woodruff, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October, and at Jonesboro on the second Mondays in May and November; for the northern division at Batesville on the fourth Monday in May and the second Monday in December; and for the western division at Little Rock on the first Monday in April and the third Monday in October. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Little Rock, at Helena, and at Batesville, which shall be kept open at all times for the transaction of the business of the court. And the clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Fort Smith, at Harrison, and at Texarkana, which shall be kept open at all times for the transaction of the business of the court.]

SEC. 70. [The State of California is divided into two districts, to be known as the northern and southern districts of California. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, and Tulare, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Fresno on the first Monday in May and the second Monday in November; and for the southern division at Los Angeles on the second Monday in January and the second Monday in July, and at San Diego on the second Mondays in March and September. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba. Terms of the district court for the northern district shall be held at San Francisco on the first Monday in March, the second Monday in July, and the first Monday in November; at Sacramento on the second Monday in April; and at Eureka on the third Monday in July.]

SEC. 71. [The State of Colorado shall constitute one judicial district, to be known as the district of Colorado. Terms of the district court shall be held at Denver on the first Tuesdays in May and November; at Pueblo on the first Tuesday in April; and at Montrose on the second Tuesday in September.]

SEC. 72. [The State of Connecticut shall constitute one judicial district, to be known as the district of Connecticut. Terms of the district court shall be held at New Haven on the fourth Tuesdays in February and August; and at Hartford on the fourth Tuesday in May and the first Tuesday in December.]

SEC. 73. [The State of Delaware shall constitute one judicial district, to be known as the district of Delaware. Terms of the district court shall be held at Wilmington on the second Tuesdays in March, June, September, and December.]

SEC. 74. [The State of Florida is divided into two districts, to be known as the northern and southern districts of Florida. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Baker, Bradford, Brevard, Citrus, Clay, Columbia, Dade, De Soto, Duval, Hamilton, Hernando, Hillsboro, Lake, Lee, Madison, Manatee, Marion, Monroe, Nassau, Orange, Osceola, Palm Beach, Pasco, Polk, Putnam, St. John, Sumter, Suwanee, St. Lucie, and Volusia. Terms of the district court for the southern district shall be held at Ocala on the third Monday in January; at Tampa on the second Monday in February; at Key West on the first Mondays in May and November; at Jacksonville on the first Monday in December; at Fernandina on the first Monday in April; and at Miami on the fourth Monday in April.

The district court for the southern district shall be open at all times for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alachua, Calhoun, Escambia, Franklin, Gadsden, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Santa Rosa, Taylor, Wakulla, Walton, and Washington. Terms of the district court for the northern district shall be held at Tallahassee on the first Monday in February; at Pensacola on the first Monday in March; at Marianna on the first Mondays in April and November; and at Gainesville on the first Mondays in May and December.]

Mr. FLETCHER. I desire to offer an amendment to section 74.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 11 of the amendment strike out lines 10, 11, 12, and 13, as follows:

on the first Monday in February; at Pensacola on the first Monday in March; at Marianna on the first Mondays in April and November; and at Gainesville on the first Mondays in May and December.]

And insert the following:

on the second Monday in January; at Pensacola on the first Mondays in May and November; at Marianna on the first Monday in April; and at Gainesville on the second Mondays in June and December.

Mr. HEYBURN. There is no objection to that amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Is the further description satisfactory to the Senator from Florida?

Mr. FLETCHER. Yes; all the rest is satisfactory.

The Secretary continued the reading of the amendment, as follows:

SEC. 75. [The State of Georgia is divided into two districts, to be known as the northern and southern districts of Georgia. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Campbell, Carroll, Clayton, Cobb, Coweta, Cherokee, Dekalb, Douglas, Dawson, Fannin, Fayette, Fulton, Forsyth, Gilmer, Gwinnett, Hall, Henry, Lumpkin, Milton, Newton, Pickens, Rockdale, Spalding, Towns, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Banks, Clarke, Elbert, Franklin, Greene, Habersham, Hart, Jackson, Morgan, Madison, Oglethorpe, Oconee, Rabun, Stephens, Walton, and White, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Chattahoochee, Clay, Early, Harris, Heard, Meriwether, Marion, Muscogee, Quitman, Randolph, Schley, Stewart, Talbot, Taylor, Terrell, Troup, and Webster, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Bartow, Chattooga, Catoosa, Dade, Floyd, Gordon, Haralson, Murray, Paulding, Polk, Walker, and Whitfield, which shall constitute the northwestern division of said district. Terms of the district court for northern division of said district shall be held at Atlanta on the second Monday in March and the first Monday in October; for the eastern division at Athens on the second Monday in April and the first Monday in November; for the western division at Columbus on the first Mondays in May and December; and for the northwestern division at Rome on the third Mondays in May and November. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Athens, at Columbus, and at Rome, which shall be kept open at all times for the transaction of the business of the court. The southern district shall include the territory embraced on the said 1st day of July, 1910, in the counties of Appling, Bulloch, Bryan, Camden, Chatham, Emanuel, Effingham, Glynn, Jeff Davis, Liberty, Montgomery, McIntosh, Screven, Tatnall, Toombs, and Wayne, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Baldwin, Bibb, Butts, Crawford, Dodge, Dooly, Hancock, Houston, Jasper, Jones, Laurens, Macon, Monroe, Pike, Pulaski, Putnam, Sumter, Telfair, Twiggs, Upson, Wilcox, and Wilkinson, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Burke, Columbia, Glascock, Jefferson, Jenkins, Johnson, Lincoln, McDuffie, Richmond, Taliaferro, Washington, Wilkes, and Warren, which shall constitute the northeastern division; also the territory embraced on the date last mentioned in the counties of Berrien, Brooks, Charlton, Clinch, Coffee, Decatur, Echols, Grady, Irwin, Lowndes, Pierce, Thomas, and Ware, which shall constitute the southwestern division; and also the territory embraced on the date last mentioned in the counties of Baker, Ben Hill, Calhoun, Crisp, Colquitt, Dougherty, Lee, Miller, Mitchell, Tift, Turner, and Worth, which shall constitute the Albany division. Terms of the district court for the western division shall be held at Macon on the first Mondays in May and October; for the eastern division at Savannah on the second Tuesdays in February, May, August, and November; for the northeastern division at Augusta on the first Monday in April and the third Monday in November; for the southwestern division at Valdosta on the second Mondays in June and December; and for the Albany division at Albany on the third Mondays in June and December.]

Mr. BACON. Mr. President, I desire to say that, while I have had no opportunity to verify this enumeration of the various counties of the several districts, I presume it is correct, but if I should subsequently discover that there are any inaccuracies there will doubtless be opportunity for me to make the correction.

Mr. HEYBURN. Mr. President, I think the Senator from Georgia will find that it is absolutely correct.

Mr. BACON. I am quite sure of that.

Mr. HEYBURN. I have taken the greatest pains to have them checked up not only by the public records here, but by correspondence with United States attorneys and other officers who are interested in knowing. The matter went to the printer before there was any possibility of change.

Mr. BACON. I am quite sure it is correct, but I simply made that suggestion out of abundance of caution.

The Secretary resumed and continued the reading of the amendment, as follows:

SEC. 76. [The State of Idaho shall constitute one judicial district, to be known as the district of Idaho. It is divided into three divisions, to be known as the northern, central, and southern divisions. The northern division shall include the territory embraced on the 1st day of July, 1910, in the counties of Bonner, Idaho, Kootenai, Latah, Nez Perce, and Shoshone, including the Coeur d'Alene and the Nez Perce Indian Reservations. The central division shall include the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Canyon, Cassia, Elmore, Lincoln, Owyhee, Twin Falls, and Washington, including that portion of the Duck Valley Indian Reservation lying in the State of Idaho. The southern division shall include the territory embraced on the date last mentioned in the counties of Bingham, Bannock, Bear Lake, Custer, Fremont, Lemhi, and Oneida, including the Fort Hall and the Lemhi Indian Reservations. Provided, That any new county created out of any of such territory shall remain part of the division out of which it, or the larger portion thereof, shall be created; but if a portion of a county

of one division shall be attached to a county of another division it shall become a part of the latter division. Terms of the district court for the northern division shall be held at Moscow on the second Monday in May and the fourth Monday in October, for the central division at Boise City on the second Mondays in March and September, and for the southern division at Pocatello on the second Monday in April and the first Monday in October. The clerk of the court shall maintain an office in charge of himself or a deputy at Moscow, at Boise City, and at Pocatello, which shall be open at all times for the transaction of the business of the court.]

SEC. 77. [The State of Illinois is divided into three districts, to be known as the northern, southern, and eastern districts of Illinois. The northern district shall include the territory embraced on the 1st day of July 1910, in the counties of Cook, DeKalb, Dupage, Grundy, Kane, Kendall, Lake, La Salle, McHenry, and Will, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Boone, Carroll, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago, which shall constitute the western division. Terms of the district court for the eastern division shall be held at Chicago on the first Mondays in February, March, April, May, June, July, September, October, and November, and the third Monday in December; and for the western division at Freeport on the third Mondays in April and October. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Chicago and at Freeport, which shall be kept open at all times for the transaction of the business of the court. The marshal for the northern district shall maintain an office in the division in which he himself does not reside and shall appoint at least one deputy who shall reside therein. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bureau, Fulton, Henderson, Henry, Knox, Livingston, McDonough, Marshall, Mercer, Putnam, Peoria, Rock Island, Stark, Tazewell, Warren, and Woodford, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Adams, Bond, Brown, Calhoun, Cass, Christian, Dewitt, Greene, Hancock, Jersey, Logan, McLean, Macon, Macoupin, Madison, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, and Scott, which shall constitute the southern division. Terms of the district court for the northern division shall be held at Peoria on the third Mondays in April and October; for the southern division at Springfield on the first Mondays in January and June; and at Quincy on the first Mondays in March and September. The clerk of the court for the southern district shall maintain an office in charge of himself or a deputy at Peoria, at Springfield, and at Quincy, which shall be kept open at all times for the transaction of the business of the court. The marshal for said southern district shall appoint at least one deputy residing in the said northern division, who shall maintain an office at Peoria. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alexander, Champaign, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Hamilton, Hardin, Iroquois, Jackson, Jasper, Jefferson, Johnson, Kankakee, Lawrence, Marion, Massac, Monroe, Moultrie, Perry, Platt, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Shelby, Union, Vermillion, Wabash, Washington, Wayne, White, and Williamson. Terms of the district court for the eastern district shall be held at Danville on the first Mondays in March and September; at Cairo on the first Mondays in April and October; and at East St. Louis on the first Mondays in May and November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Danville, at Springfield, and at East St. Louis, which shall be kept open at all times for the transaction of the business of the court, and shall there keep the records, files, and documents pertaining to the court at that place.]

SEC. 78. [The State of Indiana shall constitute one judicial district, to be known as the district of Indiana. Terms of the district court shall be held at Indianapolis on the first Tuesdays in May and November; at New Albany on the first Mondays in January and July; at Evansville on the first Mondays in April and October; at Fort Wayne on the second Tuesdays in June and December; and at Hammond on the third Tuesdays in April and October. The clerk of the court shall appoint four deputy clerks, one of whom shall reside and keep his office at New Albany, one at Evansville, one at Fort Wayne, and one at Hammond. Each deputy shall keep in his office full records of all actions and proceedings of the district court held at that place.]

SEC. 79. [The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allamakee, Dubuque, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Blackhawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Johnson, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the Cedar Rapids division; also the territory embraced on the date last mentioned in the counties of Emmet, Palo Alto, Pocahontas, Calhoun, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, Sac, Osceola, O'Brien, Cherokee, Ida, Lyon, Sioux, Plymouth, Woodbury, and Monona, which shall constitute the western division. Terms of the district court for the eastern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December; for the Cedar Rapids division at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; for the central division at Fort Dodge on the second Tuesdays in June and November; and for the western division at Sioux City on the fourth Tuesday in May and the third Tuesday in October. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Louisa, Henry, Des Moines, Lee, and Van Buren, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Marshall, Story, Boone, Greene, Guthrie, Dallas, Polk, Jasper, Poweshiek, Marion, Warren, and Madison, which shall constitute the central division of said district; also the territory embraced on the date last mentioned in the counties of Carroll, Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Adams, Clarke, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Scott, Muscatine, Washington, and Clinton, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned

in the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, which shall constitute the Ottumwa division of said district. Terms of the district court for the eastern division shall be held at Keokuk on the second Tuesday in April and the third Tuesday in October; for the central division at Des Moines on the second Tuesday in May and the third Tuesday in November; for the western division at Council Bluffs on the second Tuesday in March and the third Tuesday in September; for the southern division at Creston on the fourth Tuesday in March and the first Tuesday in November; for the Davenport division at Davenport on the fourth Tuesday in April and the first Tuesday in October; and for the Ottumwa division at Ottumwa on the first Monday after the fourth Tuesday in March, and the first Monday after the third Tuesday in October. The clerk of the court for said district shall maintain an office in charge of himself or a deputy at Davenport and at Ottumwa, for the transaction of the business of said divisions.]

Mr. HEYBURN. Mr. President, with reference to section 79, which deals with Iowa, I will say the Senators from Iowa are not present, but acting upon the request of the United States attorneys and courts the committee have made some changes in section 79. In the memorandum at the end of the amendment there is the following statement:

Section 79: The acts authorizing the holding of terms of court at Davenport and at Ottumwa conferred upon the court authority to fix the times of holding court at those places. The court did so, and for three years has held court at those places on the dates so fixed.

Upon the recommendation of the district attorney those dates are carried into the revision.

Those provisions requiring the clerk and marshal to maintain deputies at Creston were struck out by the House when it had the section under consideration, upon the motion of the Iowa Members interested, and upon their statement that the business at that place was so small as not to warrant the keeping of deputies there. It is for that reason omitted here.

I will ask that that section be passed over, not for the day, but merely until one of the Senators from Iowa may be present, because while the action was taken upon the recommendation of the House Members from Iowa, it might or might not be agreeable to the Senators from that State, and so I propose that we pass over section 79 for the present.

THE PRESIDING OFFICER (Mr. SMOOT in the chair). Without objection section 79 will be passed over.

The Secretary resumed and continued the reading of the amendment, as follows:

SEC. 80. [The State of Kansas shall constitute one judicial district, to be known as the district of Kansas. It is divided into three divisions, to be known as the first, second, and third divisions of the district of Kansas. The first division shall include the territory embraced on the 1st day of July, 1910, in the counties of Atchison, Brown, Chase, Cheyenne, Clay, Cloud, Decatur, Dickinson, Doniphan, Douglas, Ellis, Franklin, Geary, Gove, Graham, Jackson, Jefferson, Jewell, Johnson, Leavenworth, Lincoln, Logan, Lyon, Marion, Marshall, Mitchell, Morris, Nemaha, Norton, Osage, Osborne, Ottawa, Phillips, Pottawatomie, Rawlins, Republic, Riley, Rooks, Russell, Saline, Shawnee, Sheridan, Sherman, Smith, Thomas, Trego, Wabunsee, Wallace, Washington, and Wyandotte. The second division shall include the territory embraced on the date last mentioned in the counties of Barber, Barton, Butler, Clark, Comanche, Cowley, Edwards, Ellsworth, Finney, Ford, Grant, Gray, Greeley, Hamilton, Harper, Harvey, Hodgeman, Haskell, Kingman, Kiowa, Kearny, Lane, McPherson, Morton, Meade, Ness, Pratt, Pawnee, Reno, Rice, Rush, Scott, Sedgewick, Stafford, Stevens, Seward, Sumner, Stanton, and Wichita. The third division shall include the territory embraced on the said date last mentioned in the counties of Allen, Anderson, Bourbon, Cherokee, Coffey, Chautauque, Crawford, Elk, Greenwood, Labette, Linn, Miami, Montgomery, Neosho, Wilson, and Woodson. Terms of the district court for the first division shall be held at Leavenworth on the second Monday in October; at Topeka on the second Monday in April; at Kansas City on the second Monday in January and the first Monday in October; and at Salina on the second Monday in May; but no cause, action, or proceeding shall be tried or considered at any term held at Salina unless by consent of all the parties thereto, or by order of the court for cause. Terms of the district court for the second division shall be held at Wichita on the second Mondays in March and September; and for the third division, at Fort Scott on the first Monday in May and the second Monday in November. The clerk of the district court shall appoint two deputies, one of whom shall reside and keep his office at Fort Scott, and the other at Wichita; and the marshal shall appoint a deputy who shall reside and keep his office at Fort Scott.]

SEC. 81. [The State of Kentucky is divided into two districts, to be known as the eastern and western districts of Kentucky. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Carroll, Trimble, Henry, Shelby, Anderson, Mercer, Boyle, Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Franklin, Bourbon, Scott, Woodford, Fayette, Jessamine, Garrard, Madison, Lincoln, Rockcastle, Pulaski, Wayne, Whitley, Bell, Knox, Harlan, Laurel, Clay, Leslie, Letcher, Perry, Owsley, Jackson, Estill, Lee, Breathitt, Knott, Pike, Floyd, Magoffin, Martin, Johnson, Lawrence, Boyd, Greenup, Carter, Elliott, Morgan, Wolfe, Powell, Menifee, Clark, Montgomery, Bath, Rowan, Lewis, Fleming, Mason, Bracken, Robertson, Nicholas, and Harrison, with the waters thereof. Terms of the district court for the eastern district shall be held at Frankfort on the second Monday in March and the fourth Monday in September; at Covington on the first Monday in April and the third Monday in October; at Richmond on the fourth Monday in April and the second Monday in November; at London on the second Monday in May and the fourth Monday in November; at Catlettsburg on the fourth Monday in May and the second Monday in December; and at Jackson on the first Monday in March and the third Monday in September. Provided, That suitable rooms and accommodations are furnished for holding court at Jackson free of expense to the Government until such time as a public building shall be erected there. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Oldham, Jefferson, Spencer, Bullitt, Nelson, Washington, Marion, Larue, Taylor, Casey, Green, Adair, Russell, Clinton, Cumberland, Monroe, Metcalfe, Allen, Barren, Simpson, Logan, Warren, Butler, Hart, Ed-

monson, Grayson, Hardin, Meade, Breckenridge, Hancock, Daviess, Ohio, McLean, Muhlenberg, Todd, Christian, Trigg, Lyon, Caldwell, Livingston, Crittenden, Hopkins, Webster, Henderson, Union, Marshall, Calloway, McCracken, Graves, Ballard, Carlisle, Hickman, and Fulton, with the waters thereof, of which the counties of Daviess, Henderson, Union, Christian, Todd, Hopkins, Webster, McLean, Muhlenberg, Logan, Butler, Grayson, Ohio, Hancock, and Breckenridge, with the waters thereof, shall constitute the Owensboro division. Terms of the district court for the western district shall be held at Louisville on the second Mondays in March and October; at Owensboro on the first Monday in May and the fourth Monday in November; at Paducah on the third Mondays in April and November; and at Bowling Green on the third Monday in May and the second Monday in December. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Frankfort, at Covington, at Richmond, at London, at Catlettsburg, and at Jackson; and the clerk for the western district shall maintain an office in charge of himself or a deputy at Louisville, at Owensboro, at Paducah, and at Bowling Green, each of which offices shall be kept open at all times for the transaction of the business of said court. The clerks of the courts for the eastern and western districts, upon issuing original process in a civil action, shall make it returnable to the court nearest to the county of the residence of the defendant, or of that defendant whose county is nearest to a court, and shall, immediately upon payment by the plaintiff of his fees accrued, send the papers filed to the clerk of the court to which the process is made returnable; and whenever the process is not thus made returnable, any defendant may, upon motion, on or before the calling of the cause, have it transferred to the court to which it should have been sent had the clerk known the residence of the defendant when the action was brought; but these provisions are subject to the provision herebefore contained constituting the Owensboro division.]

Sec. 82. [The State of Louisiana is divided into two judicial districts, to be known as the eastern and western districts of Louisiana. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the parishes of Assumption, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Washington, which shall constitute the *New Orleans* division; also the territory embraced on the date last mentioned in the parishes of Ascension, East Baton Rouge, East Feliciana, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, Iberville, and West Feliciana, which shall constitute the *Baton Rouge* division of said district. Terms of the district court for the *New Orleans* division shall be held at New Orleans on the third Mondays in February, May, and November; and for the *Baton Rouge* division at Baton Rouge on the second Mondays in April and November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at New Orleans and at Baton Rouge, which shall be kept open at all times for the transaction of the business of the court. The western district shall include the territory embraced on the 1st day of July, 1910, in the parishes of St. Landry, Evangeline, St. Martin, Lafayette, and Vermilion, which shall constitute the *Opelousas* division of said district; also the territory embraced on the date last mentioned in the parishes of Rapides, Avoyelles, Catahoula, La Salle, Grant, and Winn, which shall constitute the *Alexandria* division of said district; also the territory embraced on the said date last mentioned in the parishes of Caddo, De Soto, Bossier, Webster, Claiborne, Bienville, Natchitoches, Sabine, and Red River, which shall constitute the *Shreveport* division of said district; also the territory embraced on the date last mentioned in the parishes of Ouachita, Franklin, Richland, Morehouse, East Carroll, West Carroll, Madison, Tensas, Concordia, Union, Caldwell, Jackson, and Lincoln, which shall constitute the *Monroe* division of said district; also the territory embraced on the date last mentioned in the parishes of Acadia, Calcasieu, Cameron, and Vernon, which shall constitute the *Lake Charles* division of said district. Terms of the district court for the *Opelousas* division shall be held at Opelousas on the first Mondays in January and June; for the *Alexandria* division, at Alexandria, on the fourth Mondays in January and June; for the *Shreveport* division, at Shreveport on the third Mondays in February and October; for the *Monroe* division, at Monroe on the first Mondays in April and October; and for the *Lake Charles* division, at Lake Charles on the third Mondays in May and December. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Opelousas, at Alexandria, at Shreveport, at Monroe, and at Lake Charles, which shall be kept open at all times for the transaction of the business of the court.

Mr. JOHNSTON. I suggest that there is an amendment to the latter part of section 81, and if the chairman of the committee desires the amendment to be inserted it ought to be inserted now.

Mr. HEYBURN. What amendment does the Senator suggest?

Mr. JOHNSTON. I say there is an amendment printed in italics to section 81.

The PRESIDING OFFICER. The Chair understands that the Senate is not treating the words printed in italics as amendments to the amendment, but that the words in italics indicate the differences between this proposed law and the existing law.

Mr. HEYBURN. Does the Senator from Alabama refer to the italics at the end of section 81?

Mr. JOHNSTON. Yes, sir.

Mr. HEYBURN. That provision was made at the suggestion of the United States attorney and the courts in Kentucky, for the purpose, I suppose, of harmonizing the provisions with reference to the Owensboro district. I regret that no Senator from Kentucky is now present, but the amendment was made for that purpose. Certain rearrangements had been made that were not harmonious, just as in the case that I suggested before.

Mr. JOHNSTON. I rose to ask the Senator from Idaho whether the amendment has already been adopted or whether it is pending.

Mr. HEYBURN. No; when we reach Kentucky, then I will move the adoption of the amendment to the amendment.

Mr. JOHNSTON. We have reached that, and the Secretary has been reading section 82.

Mr. HEYBURN. I think the Secretary reached it rather unexpectedly, for I was following the reading. I will ask the Secretary to refer to the section regarding Kentucky.

Mr. CUMMINS. I have just come into the Chamber and notice that the section with regard to Iowa has been reached.

Mr. HEYBURN. I have asked that it be passed over.

Mr. CUMMINS. I hope it will not be taken up until I have an opportunity to read it.

Mr. CLARKE of Arkansas. I want to make a similar request with reference to Arkansas. I did not expect the bill to be reached until Thursday, and I had not prepared myself to consider it to-day.

Mr. HEYBURN. Let us see if we can not accommodate this matter without causing delay, because in the section affecting Arkansas every change that is made is noted here.

Mr. CLARKE of Arkansas. Some of those changes I might not want made and I may want to have other changes made. So I request that the matter be passed over until a reasonable time, of course not so as to delay the bill, for that is not my purpose. I am quite anxious to have it passed; but I do want an opportunity to adjust the districts so as to conform to the present wishes of those interested in the matter.

Mr. CUMMINS. My request will cause only a very short delay. In an hour or an hour and a half I will be able to suggest anything that may occur to me in regard to the section affecting Iowa.

Mr. HEYBURN. We have already passed that section over. We are now dealing with an amendment in regard to Kentucky.

Mr. CLARKE of Arkansas. Do I understand that we have also passed over the section relating to Arkansas for the present?

Mr. HEYBURN. I will ask that it be passed over if the Senator so desires.

Mr. CLARKE of Arkansas. With the promise on my part not to delay the measure.

Mr. HEYBURN. I ask that the section relating to Arkansas be passed over.

The PRESIDING OFFICER. In the absence of objection it is so ordered. If the Senator from Idaho will excuse an observation, the Chair understands that all the provisions in italics are to be treated as amendments to the amendment.

Mr. HEYBURN. Yes. They simply embrace new matter in the amendment that was offered. I will dispose of them all right if my attention is called to them when the Secretary reaches them. There will be no difficulty about disposing of them.

The PRESIDING OFFICER. The Chair will state to the Senator that the Secretary has not heretofore been reading them, and they have been passed over without action.

Mr. HEYBURN. I think the Secretary inadvertently overlooked some of the amendments to the amendment. Let us commence right now to dispose of them.

Mr. JOHNSTON. That is the very question, Mr. President, I rose to suggest.

Mr. HEYBURN. The matter was omitted by the Secretary in the reading, and I am compelled to keep watch of several things here that are coming in. I now propose that the Secretary read the amendment to the amendments in the section relating to Kentucky.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. On page 25, line 13, after the word "brought," it is proposed to amend the amendment by inserting "but these provisions are subject to the provision hereinbefore contained constituting the Owensboro division."

Mr. HEYBURN. I move the adoption of the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. HEYBURN. Mr. President, if Senators think we are unnecessarily consuming time by reading the amendment, as we were proceeding to do, and that we might proceed to consider the amendments to the amendment, we will do that; but I am inclined to think, this being a rather unusual procedure, that we had better go right along and adopt the sections or pass them over as we come to them.

Mr. JOHNSTON. Yes.

Mr. HEYBURN. Mr. President, I think, perhaps, I owe it to Senators and to the Chair to explain that this is an amendment to a bill already pending before the Senate. All of chapter 5 of that bill is contained in the proposed amendment. After that amendment was agreed upon, then certain amendments to it were agreed upon. It is only necessary to pass them along as the Chair is doing.

The PRESIDING OFFICER. The Secretary will resume the reading.

The Secretary read the amendments to section 82, which were, on page 25, line 24, after the word "constitute," to insert "the New Orleans;" on page 26, line 3, after the word "constitute," to insert "the Baton Rouge;" in line 4, after the word "for," to insert "the New Orleans;" in line 7, before the word "division," to insert "the Baton Rouge;" in line 10, after the word "constitute," to insert "the Opelousas;" in line 19, after the word "constitute," to insert "the Alexandria;" in line 23, after the word "constitute," to insert "the Shreveport;" on page 27, line 2, after the word "constitute," to insert "the Monroe;" in line 6, before the word "division," to insert "the Lake Charles;" in line 7, after the word "for," to insert "the Opelousas;" in line 9, before the word "division," to insert "the Alexandria;" in line 10, after the word "for," to insert "the Shreveport;" in line 12, after the word "for," to insert "the Monroe;" and in line 13, after the word "for," to insert "the Lake Charles;" so as to make the section read:

SEC. 82. [The State of Louisiana is divided into two judicial districts, to be known as the eastern and western districts of Louisiana. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the parishes of Assumption, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Washington, which shall constitute the *New Orleans* division; also the territory embraced on the date last mentioned in the parishes of Ascension, East Baton Rouge, East Feliciana, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, Iberville, and West Feliciana, which shall constitute the *Baton Rouge* division of said district. Terms of the district court for the *New Orleans* division shall be held at New Orleans on the third Mondays in February, May, and November; and for the *Baton Rouge* division at Baton Rouge on the second Mondays in April and November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at New Orleans and at Baton Rouge, which shall be kept open at all times for the transaction of the business of the court. The western district shall include the territory embraced on the 1st day of July, 1910, in the parishes of St. Landry, Evangeline, St. Martin, Lafayette, and Vermilion, which shall constitute the *Opelousas* division of said district; also the territory embraced on the date last mentioned in the parishes of Rapides, Avoyelles, Catahoula, La Salle, Grant, and Winn, which shall constitute the *Alexandria* division of said district; also the territory embraced on the said date last mentioned in the parishes of Caddo, De Soto, Bossier, Webster, Calhoun, Bienville, Natchitoches, Sabine, and Red River, which shall constitute the *Shreveport* division of said district; also the territory embraced on the date last mentioned in the parishes of Ouachita, Franklin, Richland, Morehouse, East Carroll, West Carroll, Madison, Tensas, Concordia, Union, Caldwell, Jackson, and Lincoln, which shall constitute the *Monroe* division of said district; also the territory embraced on the date last mentioned in the parishes of Acadia, Calcasieu, Cameron, and Vernon, which shall constitute the *Lake Charles* division of said district. Terms of the district court for the *Opelousas* division shall be held at Opelousas on the first Mondays in January and June; for the *Alexandria* division, at Alexandria on the fourth Mondays in January and June; for the *Shreveport* division, at Shreveport on the third Mondays in February and October; for the *Monroe* division, at Monroe on the first Mondays in April and October; and for the *Lake Charles* division, at Lake Charles on the third Mondays in May and December. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Opelousas, at Alexandria, at Shreveport, at Monroe, and at Lake Charles, which shall be kept open at all times for the transaction of the business of the court.

The amendments to the amendment were agreed to.

The Secretary resumed and continued the reading of the amendment, as follows:

SEC. 83. [The State of Maine shall constitute one judicial district, to be known as the district of Maine. Terms of the district court shall be held at Portland on the first Tuesdays in February and December; at Bangor on the first Tuesday in June; and at Bath on the first Tuesday in September.]

SEC. 84. [The State of Maryland shall constitute one judicial district, to be known as the district of Maryland. Terms of the district court shall be held at Baltimore on the first Tuesdays in March, June, September, and December; and at Cumberland on the second Monday in May and the last Monday in September. The clerk of the court shall appoint a deputy, who shall reside and maintain an office at Cumberland, unless the clerk himself shall reside there; and the marshal shall also appoint a deputy, who shall reside and maintain an office at Cumberland, unless he shall himself reside there.]

SEC. 85. [The State of Massachusetts shall constitute one judicial district, to be known as the district of Massachusetts. Terms of the district court shall be held at Boston on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; and at Springfield on the second Tuesdays in May and December: *Provided*, That suitable rooms and accommodations for holding court at Springfield shall be furnished free of expense to the Government until such time as a Federal building shall be erected there for that purpose. The marshal and the clerk for said district shall each appoint at least one deputy, to reside in Springfield and to maintain an office at that place.]

SEC. 86. [The State of Michigan is divided into two judicial districts, to be known as the eastern and western districts of Michigan. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, and Tuscola, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Branch, Calhoun, Clinton, Genesee, Hillsdale, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Sanilac, Shiawassee, Washtenaw, and Wayne, which shall constitute the southern division of said district. Terms of the district court for the

southern division shall be held at Detroit on the first Tuesdays in March, June, and November; for the northern division at Bay City on the first Tuesdays in May and October, and at Port Huron on the discretion of the judge of said court and at such times as he shall appoint therefor. There shall also be held a special or adjourned term of the district court at Bay City for the hearing of admiralty causes, beginning in the month of February in each year. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebie, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft, which shall constitute the northern division; also the territory embraced on the said date last mentioned in the counties of Allegan, Antrim, Barry, Benzie, Berrien, Cass, Charlevoix, Eaton, Emmet, Grand Traverse, Ionia, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Oshtemo, Ottawa, St. Joseph, Van Buren, and Wexford, which shall constitute the southern division of said district. Terms of the district court for the southern division shall be held at Grand Rapids on the first Tuesdays in March and October; and for the northern division at Marquette on the first Tuesdays in May and September. All issues of fact shall be tried at the terms held in the division where such suit shall be commenced. Actions in rem and admiralty may be brought in whichever division of the eastern district service can be had upon the res. Nothing herein contained shall prevent the district court of the western division from regulating, by general rule, the venue of transitory actions either at law or in equity, or from changing the same for cause. The clerk of the court for the western district shall reside and keep his office at Grand Rapids, and shall also appoint a deputy clerk for said court held at Marquette, who shall reside and keep his office at that place. The marshal for said western district shall keep an office and a deputy marshal at Marquette. The clerk of the court for the eastern district shall keep his office at the city of Detroit, and shall appoint a deputy for the court held at Bay City, who shall reside and keep his office at that place. The marshal for said district shall keep an office and a deputy marshal at Bay City, and mileage on service of process in said northern division shall be computed from Bay City.]

SEC. 87. [The State of Minnesota shall constitute one judicial district, to be known as the district of Minnesota. It is divided into six divisions, to be known as the first, second, third, fourth, fifth, and sixth divisions. The first division shall include the territory embraced on the 1st day of July, 1910, in the counties of Winona, Wabasha, Olmsted, Dodge, Steele, Mower, Fillmore, and Houston. The second division shall include the territory embraced on the date last mentioned in the counties of Freeborn, Faribault, Martin, Jackson, Nobles, Rock, Pipestone, Murray, Cottonwood, Watonwan, Blue Earth, Waseca, Le Sueur, Nicollet, Brown, Redwood, Lyon, Lincoln, Yellow Medicine, Sibley, and Lac qui Parle. The third division shall include the territory embraced on the date last mentioned in the counties of Chisago, Washington, Ramsey, Dakota, Goodhue, Rice, and Scott. The fourth division shall include the territory embraced on the date last mentioned in the counties of Hennepin, Wright, Meeker, Kandiyohi, Swift, Chippewa, Renville, McLeod, Carver, Anoka, Sherburne, and Isanti. The fifth division shall include the territory embraced on the date last mentioned in the counties of Cook, Lake, St. Louis, Itasca, Koochiching, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, and Benton. The sixth division shall include the territory embraced on the date last mentioned in the counties of Stearns, Pope, Stevens, Bigstone, Traverse, Grant, Douglas, Todd, Ottertail, Roseau, Wilkin, Clay, Becker, Wadena, Norman, Polk, Red Lake, Marshall, Kittson, Beltrami, Clearwater, Mahanomen, and Hubbard. Terms of the district court for the first division shall be held at Winona on the third Tuesdays in May and November; for the second division, at Mankato on the fourth Tuesdays in April and October; for the third division, at St. Paul on the first Tuesdays in June and December; for the fourth division, at Minneapolis on the first Tuesdays in April and October; for the fifth division, at Duluth on the second Tuesdays in January and July; and for the sixth division, at Fergus Falls on the first Tuesday in May and second Tuesday in November. The clerk of the court shall appoint a deputy clerk at each place where the court is now required to be held at which the clerk shall not himself reside, who shall keep his office and reside at the place appointed for the holding of said court.]

SEC. 88. [The State of Mississippi is divided into two judicial districts, to be known as the northern and southern districts of Mississippi. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Coahoma, Calhoun, Carroll, De Soto, Grenada, Lafayette, Marshall, Montgomery, Panola, Quitman, Tallahatchie, Tate, Tippah, Tunica, Union, Webster, and Yalobusha, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Aberdeen on the first Mondays in April and October; and for the western division at Oxford on the first Mondays in June and December. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Amite, Copiah, Covington, Franklin, Hinds, Holmes, Jefferson, Jefferson Davis, Lawrence, Lincoln, Leflore, Madison, Pike, Rankin, Simpson, Smith, Scott, Wilkinson, and Yazoo, which shall constitute the Jackson division; also the territory embraced on the date last mentioned in the counties of Bolivar, Calhoun, Issaquena, Sharkey, Sunflower, Warren, and Washington, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Clarke, Jones, Jasper, Kemper, Lauderdale, Lenke, Neshoba, Newton, Noxubee, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Forrest, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Perry, and Pearl River, which constitutes the southern division of said district. Terms of the district court for the Jackson division shall be held at Jackson on the — Mondays in — and —; for the western division, at Vicksburg on the first Mondays in January and July; for the eastern division at Meridian on the second Mondays in March and September; and for the southern division, at Biloxi on the third Mondays in February and August. The clerk of the court for each district shall maintain an office in charge of himself or a deputy at each place in his district at which court is now required to be held at which he shall not himself reside, which shall be kept open at all times for the transaction of the business of the court. The marshal for each of said districts shall maintain an office in charge of himself or a deputy at each place of holding court in his district.]

The next amendment to the amendment was, in section 88, page 34, line 6, before the word "Monday," to insert the word "first;" after the word "in," to insert the word "May;" and after the word "and," to insert "November," so as to read:

Terms of the district court for the Jackson division shall be held at Jackson on the first Mondays in May and November.

The amendment to the amendment was agreed to.

The reading of the amendment was resumed, as follows:

Sec. 89. [The State of Missouri is divided into two judicial districts, to be known as the eastern and western districts of Missouri. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the city of St. Louis and the counties of Audrain, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Montgomery, Phelps, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Warren, and Washington, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Ralls, Randolph, Schuyler, Scotland, and Shelby, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Stoddard, and Wayne, which shall constitute the southeastern division of said district. Terms of the district court for the eastern division shall be held at St. Louis on the first Mondays in May and November, and at Rolla on the fourth Monday in January: *Provided*, That suitable rooms and accommodations for holding court at Rolla are furnished free of expense to the United States; for the northern division, at Hannibal on the fourth Monday in May and the first Monday in December; and for the southeastern division, at Cape Girardeau on the second Mondays in April and October. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bates, Caldwell, Carroll, Cass, Clay, Grundy, Henry, Jackson, Johnson, Lafayette, Livingston, Mercer, Putnam, Ray, St. Clair, Saline, and Sullivan, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Barton, Barry, Jasper, Lawrence, McDonald, Newton, Stone, and Vernon, which shall constitute the southwestern division; also the territory embraced on the date last mentioned in the counties of Andrew, Atchison, Buchanan, Clinton, Daviess, Dekalb, Gentry, Holt, Harrison, Nodaway, Platte, and Worth, which shall constitute the St. Joseph division; also the territory embraced on the date last mentioned in the counties of Benton, Boone, Callaway, Cooper, Camden, Cole, Hickory, Howard, Maries, Miller, Moniteau, Morgan, Osage, and Pettis, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Christian, Cedar, Dade, Dallas, Douglas, Greene, Howell, Laclede, Oregon, Ozark, Polk, Pulaski, Taney, Texas, Webster, and Wright, which shall constitute the southern division. Terms of the district court for the western division shall be held at Kansas City on the fourth Monday in April and first Monday in November, and at Chillicothe on the fourth Monday in May and the first Monday in December: *Provided*, That suitable rooms and accommodations for holding court at Chillicothe are furnished free of expense to the United States; for the southwestern division, at Joplin on the second Mondays in June and January; for the St. Joseph division, at St. Joseph on the first Monday in March and third Monday in September; for the central division, at Jefferson City on the third Mondays in March and October; and for the southern division, at Springfield on the first Mondays in April and October.

The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Kansas City, at Jefferson City, at St. Joseph, and at Springfield, which shall be kept open at all times for the transaction of the business of the court. The marshal for each district shall also maintain an office in charge of himself or a deputy at each place at which court is now held in his district.]

Mr. STONE. I should like to ask the Senator from Idaho if any changes have been made in the territory covered by this section, either as to the time of holding court or in any other way. I do not see any amendments.

Mr. HEYBURN. There are no changes made in existing conditions in the State of Missouri. The law, as stated here, is as it is in the statutes.

Mr. STONE. I took that to be true from examining the text.

Mr. HEYBURN. I suggest, Mr. President, that we might save time, if there are no objections to so proceeding, by reading for the amendments at this time. We are reading a great deal of matter here about which there is no controversy whatever—the enumeration of counties. While this need not go into the record, it seems to me we might take that into consideration, unless there is objection upon the part of some Senator. There are no amendments at all in that section.

Mr. STONE. I can not see any reason for reading all of this measure line by line. Take the section referring to Missouri now before the Senate, where there appears on the face of the bill no amendment to the existing law. The Senator from Idaho says there is not.

Mr. HEYBURN. I see no occasion for reading that.

Mr. STONE. I see no occasion for reading it. I have run over that section, and while of course I can not tell without comparing it with the existing law whether it is exactly the same, I have no doubt it is. I am perfectly satisfied to take the bill as it appears, supplemented by the statement of the chairman.

Mr. HEYBURN. Every section has been submitted to the United States attorney for suggestion and verification. In addition to that we have gone over two checks on the law, fully posted up, so that I think there is probably not an error in it.

The PRESIDING OFFICER. If there is no objection, the Secretary then will simply mention the section and that which

it relates to, and in the sections where there is an amendment he will call attention to the amendment, and the Senate will pass upon the amendments only.

The amendment continues as follows:

Sec. 90. [The State of Montana shall constitute one judicial district, to be known as the district of Montana. Terms of the district court shall be held at Helena on the first Mondays in April and November; at Butte on the first Tuesdays in February and September; and at Great Falls on the first Mondays in May and October. Causes, civil and criminal, may be transferred by the court or judge thereof from Helena to Butte or from Butte to Helena, or from Helena or Butte to Great Falls, or from Great Falls to Helena or Butte, in said district, when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place.]

Mr. DIXON. After a conference with my colleague, I offer an amendment to section 90.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In section 90, page 37, line 16, after the word "September," strike out "and;" in line 17, after the word "October," insert "at Missoula on the first Mondays in January and June; and at Billings on the first Mondays in March and August."

Mr. DIXON. I desire to say, especially for the benefit of the chairman of the committee, that there has been pending for some months a bill covering this very feature, and also calling for an additional district judge. I have not included an additional district judge in this amendment. There has been a favorable report from the Attorney General's office as to one of these cases and noncommittal as to the other.

As the situation now stands, we have about 400,000 population under the new census, and there are only three terms of the Federal court; and, unfortunately, all three of them are located right in the center of the State, within 75 miles of each other. One of the proposed places for holding an additional term is Billings, in the eastern part of the State, in a section where litigants have to travel 500 miles to go to a Federal court. The other is Missoula, on the western side of the State, distant 125 miles from the nearest point to a Federal court. Litigants in that part of Montana have to travel, as the railroad runs, 400 miles. A large part of the litigation arises from the Indian reservations. Missoula and Billings are the central points for that kind of litigation.

For these reasons I have prepared the amendment establishing terms at Billings and Missoula.

Mr. HEYBURN. As far as concerns fixing the places at which court shall be held, there is no objection to the amendment. You did not intend to include the amendment in regard to the extra judge?

Mr. DIXON. No.

Mr. HEYBURN. No; because we are not dealing with that.

Mr. DIXON. No; not at all.

Mr. SUTHERLAND. I should like to ask the Senator from Montana whether it is necessary to have regular terms of the court at those places.

Mr. DIXON. I think so. I believe more business or as much business will develop in both of those places.

Mr. SUTHERLAND. I was going to suggest to the Senator that there is a general statute which permits a judge to hold court at other places in the State whenever he thinks it proper to do so.

Mr. DIXON. Yes; I know of that provision, but in these two cases one point is on the extreme eastern end of the State and the other on the extreme western, and many of the litigants travel from 200 to 500 miles to attend the Federal court.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana to the amendment.

The amendment to the amendment was agreed to.

The amendment continues:

Sec. 91. [The State of Nebraska shall constitute one judicial district to be known as the district of Nebraska. Said district is divided into eight divisions. The territory embraced on the 1st day of July, 1910, in the counties of Douglas, Sarpy, Washington, Dodge, Colfax, Platte, Nance, Boone, Wheeler, Burt, Thurston, Dakota, Cuming, Cedar, and Dixon, shall constitute the Omaha division; the territory embraced on the date last mentioned in the counties of Madison, Antelope, Knox, Pierce, Stanton, Wayne, Holt, Boyd, Rock, Brown, and Keya Paha, shall constitute the Norfolk division; the territory embraced on the date last mentioned in the counties of Cherry, Sheridan, Dawes, Box Butte, and Sioux, shall constitute the Chadron division; the territory embraced on the date last mentioned in the counties of Hall, Merrick, Howard, Greeley, Garfield, Valley, Sherman, Buffalo, Custer, Loup, Blaine, Thomas, Hooker, and Grant, shall constitute the Grand Island division; the territory embraced on the date last mentioned in the counties of Lincoln, Dawson, Logan, McPherson, Keith, Deuel, Garden, Morrill, Cheyenne, Kimball, Banner, and Scotts Bluff, shall constitute the North Platte division; the territory embraced on the date last mentioned in the counties of Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, Gage, Lancaster, Saunders, Butler, Seward, Saline, Jefferson, Thayer, Fillmore, York, Polk, and Hamilton, shall constitute the

Lincoln division; the territory embraced on the date last mentioned in the counties of Clay, Nuckolls, Webster, Adams, Kearney, Franklin, Harlan, and Phelps, shall constitute the Hastings division; and the territory embraced on the date last mentioned in the counties of Gosper, Furnas, Red Willow, Frontier, Hayes, Hitchcock, Dundee, Chase, and Perkins, shall constitute the McCook division. Terms of the district court for the Omaha division shall be held at Omaha on the first Monday in April and the fourth Monday in September; for the Norfolk division, at Norfolk on the third Monday in September; for the Chadron division, at Chadron on the second Monday in September; for the Grand Island division, at Grand Island on the second Monday in January; for the North Platte division, at North Platte on the second Monday in June; for the Lincoln division, at Lincoln on the second Monday in May and the first Monday in October; for the Hastings division, at Hastings on the second Monday in March; and for the McCook division, at McCook on the first Monday in March; *Provided*, That where provision is made herein for holding court at places where there are no Federal buildings, a suitable room in which to hold court, together with light and heat, shall be provided by the city or county where such court is held, without any expense to the United States. The clerk of the court shall appoint a deputy for each division of the district in which he does not himself reside, who shall keep his office and reside at the place of holding court in the division for which he is appointed.]

SEC. 92. [The State of Nevada shall constitute one judicial district, to be known as the district of Nevada. Terms of the district court shall be held at Carson City on the first Mondays in February, May, and October.]

SEC. 93. [The State of New Hampshire shall constitute one judicial district, to be known as the district of New Hampshire. Terms of the district court shall be held at Portsmouth on the third Tuesdays in March and September; at Concord on the third Tuesdays in June and December; and at Littleton on the last Tuesday in August.]

SEC. 94. [The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Trenton on the third Tuesdays in January, April, June, and September. At each term of the district court it shall be lawful for the judge holding such term, on consent of both parties, on application therefor and good cause shown by either party to any civil cause set for trial or hearing at said term, to order such cause to be held or tried at the city of Newark, in said district, upon the day set for that purpose by said judge; *Provided*, That such application shall be made to said judge, either in vacation or term time, at least one week before the date set for trial of said cause, and on at least five days' notice to the opposite party or his or her attorney; and writs of subpoena to compel the attendance of witnesses at said city of Newark may issue, and jurors summoned to attend said term may be ordered by said judge to be in attendance upon said court in the city of Newark.]

SEC. 95. [The State of New York is divided into four judicial districts, to be known as the northern, eastern, southern, and western districts of New York. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schoenectady, Schenectady, Tioga, Tompkins, Warren, and Washington, with the waters thereof. Terms of the district court for said district shall be held at Albany on the second Tuesday in February; at Utica on the first Tuesday in December; at Binghamton on the second Tuesday in June; at Auburn on the first Tuesday in October; at Syracuse on the first Tuesday in April; and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Saratoga, Onondaga, St. Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by notice of at least 20 days published in a newspaper published at the place where said court is to be held. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Richmond, Kings, Queens, Nassau, and Suffolk, with the waters thereof. Terms of the district court for said district shall be held at Brooklyn on the first Wednesday in every month. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Columbia, Dutchess, Greene, New York, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester, with the waters thereof. Terms of the district court for said district shall be held at New York City on the first Tuesday in each month. The district courts of the southern and eastern districts shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, Nassau, Richmond, and Suffolk, and over all seizures made and all matters done in such waters; all processes or orders issued within either of said courts or by any judge thereof shall run and be executed in any part of said waters. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegany, Cattaraugus, Chautauque, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates, with the waters thereof. Terms of the district court for said district shall be held at Elmira on the second Tuesday in January; at Buffalo on the second Tuesdays in March and November; at Rochester on the second Tuesday in May; at Jamestown on the second Tuesday in July; at Lockport on the second Tuesday in October; and at Canandaigua on the second Tuesday in September. The regular sessions of the district court for the western district for the hearing of motions and for proceedings in bankruptcy and the trial of causes in admiralty, shall be held at Buffalo at least two weeks in each month of the year, except August, unless the business is sooner disposed of. The times for holding the same and such other special sessions as the court shall deem necessary shall be fixed by rules of the court. All process in admiralty causes and proceedings shall be made returnable at Buffalo. *The judge of any district in the State of New York may perform the duties of the judge of any other district in such State upon the request of the resident judge entered in the minutes of his court; and in such cases said judges, respectively, shall have the same powers as are vested in the resident judge.*]

The next amendment to the amendment was, in section 95, page 42, line 16, after "Nassau," to insert "Richmond," so as to read:

Terms of the district court for said district shall be held at New York City on the first Tuesday in each month. The district courts of the southern and eastern districts shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, Nassau, Richmond, and Suffolk.

The amendment to the amendment was agreed to.

The next amendment to the amendment was, in section 95, page 43, line 15, after the word "Buffalo," to insert:

The judge of any district in the State of New York may perform the duties of the judge of any other district in such State upon the request of the resident judge entered in the minutes of his court; and in such cases said judges, respectively, shall have the same powers as are vested in the resident judge.

The amendment to the amendment was agreed to.

The amendment continues:

SEC. 96. [The State of North Carolina is divided into two districts, to be known as the eastern and western districts of North Carolina. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Chatham, Cumberland, Currituck, Craven, Columbus, Chowan, Carteret, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Lee, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Richmond, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson. Terms of the district court for the eastern district shall be held at Elizabeth City on the second Mondays in April and October; at Washington on the third Mondays in April and October; at Newbern on the fourth Mondays in April and October; at Wilmington on the second Monday after the fourth Mondays in April and October; and at Raleigh on the fourth Monday after the fourth Mondays in April and October; *Provided*, That the city of Washington shall provide and furnish at its own expense a suitable and convenient place for holding the district court at Washington. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Raleigh, at Wilmington, at Newbern, at Elizabeth City, and at Washington, which shall be kept open at all times for the transaction of the business of the court. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alamance, Alexander, Ashe, Alleghany, Anson, Buncombe, Burke, Caswell, Cabarrus, Catawba, Cleveland, Caldwell, Clay, Cherokee, Davidson, Davie, Forsyth, Guilford, Gaston, Graham, Henderson, Haywood, Iredell, Jackson, Lincoln, Montgomery, Mecklenburg, Mitchell, McDowell, Madison, Macon, Orange, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Wilkes, Watauga, Yadkin, and Yancey. Terms of the district court for the western district shall be held at Greensboro on the first Mondays in June and December; at Statesville on the third Mondays in April and October; at Salisbury on the fourth Mondays in April and October; at Asheville on the first Mondays in May and November; at Charlotte on the first Mondays in April and October; and at Wilkesboro on the fourth Mondays in May and November. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Greensboro, at Asheville, at Statesville, and at Wilkesboro, which shall be kept open at all times for the transaction of the business of the court.]

SEC. 97. [The State of North Dakota shall constitute one judicial district, to be known as the district of North Dakota. The territory embraced on the 1st day of July, 1910, in the counties of Burleigh, Stutsman, Logan, McIntosh, Emmons, Kidder, Foster, Wells, McLean, and Sheridan, and all the territory in said State lying west of the Missouri River and south of the twelfth standard parallel shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richland, Barnes, Dickey, Sargent, Lamoure, Ransom, Griggs, and Steele shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern division; and the territory embraced on the date last mentioned in the counties of Ramsey, Eddy, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northwestern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, and Montrail, and all the territory in said State lying west of the Missouri River and north of the twelfth standard parallel shall constitute the western division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; and for the western division, at Minot on the second Tuesday in October. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is now held in his district.]

SEC. 98. [The State of Ohio is divided into two judicial districts, to be known as the northern and southern districts of Ohio. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Ashland, Ashtabula, Cuyahoga, Carroll, Columbiana, Crawford, Geauga, Holmes, Lake, Lorain, Medina, Mahoning, Portage, Richland, Summit, Stark, Tuscarawas, Trumbull, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Auglaize, Allen, Defiance, Erie, Fulton, Henry, Hancock, Hardin, Huron, Lucas, Mercer, Marion, Ottawa, Paulding, Putnam, Seneca, Sandusky, Van Wert, Williams, Wood, and Wyandotte, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Cleveland on the first Tuesdays in February, April, and October; and at Youngstown on the first Tuesday after the first Monday in March; and for the western division at Toledo on the last Tuesdays in April and October. Grand and petit jurors summoned for service at a term of court to be held at Cleveland may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term then being held or authorized to be held at Youngstown. Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Cleveland, or at Youngstown, as the court may direct. Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Youngstown. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, Shelby, and Warren, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs,

Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington, which shall constitute the eastern division of said district. Terms of the district court for the western division shall be held at Cincinnati on the first Tuesdays in February, April, and October; and for the eastern division at Columbus on the first Tuesdays in June and December; *Provided*, That terms of the district court for the southern district shall be held at Dayton on the first Mondays in May and November. Prosecutions for crimes and offenses committed in any part of said district shall also be cognizable at the terms held at Dayton. All suits which may be brought within the southern district, or either division thereof, may be instituted, tried, and determined at the terms held at Dayton.]

The next amendment to the amendment was, in section 98, page 47, line 23, before the word "Tuesdays," to insert "last;" after the word "in," in the same line, to insert "April;" and after the word "and" to insert "October," so as to read:

and for the western division at Toledo on the last Tuesdays in April and October.

Mr. HEYBURN. Section 98 is in regard to the State of Ohio. The times for holding terms of court at Toledo, in the western division of the northern district of Ohio, are proposed to be changed from the first Tuesdays in June and December to the last Tuesdays in April and October. This is proposed upon the urgent recommendation of the district judge and district attorney, who state that as at present fixed the December term is badly broken up by the holidays and the June term by hot weather. It is an amendment that is entirely agreeable to all those directly interested.

The amendment to the amendment was agreed to.

The amendment continues:

SEC. 99. [The State of Oklahoma is divided into two judicial districts, to be known as the eastern and the western districts of Oklahoma. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adair, Atoka, Bryan, Craig, Cherokee, Creek, Choctaw, Coal, Carter, Delaware, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, LeFlore, Love, McClain, Mayes, Muskogee, McIntosh, McCurtain, Murray, Marshall, Nowata, Ottawa, Okmulgee, Osage, Pittsburg, Pushmataha, Pontotoc, Rogers, Stephens, Sequoyah, Seminole, Tulsa, Washington, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January; at Vinita on the first Monday in March; at Tulsa on the first Monday in April; at South McAlester on the first Monday in June; at Ardmore on the first Monday in October; and at Chickasha on the first Monday in November in each year. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Majors, Noble, Oklahoma, Osage, Pawnee, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. Terms of the district court for the western district shall be held at Guthrie on the first Monday in January; at Oklahoma City on the first Monday in March; at Enid on the first Monday in June; at Lawton on the first Monday in October; and at Woodward on the first Monday in May and the second Monday in November: *Provided*, That suitable rooms and accommodations for holding court at Woodward are furnished free of expense to the United States. The clerk of the court for the eastern district shall keep his office at Muskogee, and the clerk for the western district at Guthrie.]

SEC. 100. [The State of Oregon shall constitute one judicial district, to be known as the district of Oregon. Terms of the district court shall be held at Portland on the first Mondays in March, July, and November; at Pendleton on the first Tuesday in April; and at Medford on the first Tuesday in October. The marshal and the clerk for said district shall each appoint, in the manner provided by law, at least one deputy at Pendleton and one at Medford, who shall reside and maintain an office at each of said places.]

The next amendment to the amendment was, in section 100, page 50, line 22, after the word "appoint," to insert "in the manner provided by law," so as to read:

The marshal and the clerk for said district shall each appoint, in the manner provided by law, at least one deputy at Pendleton and one at Medford, who shall reside and maintain an office at each of said places.]

The amendment to the amendment was agreed to.

The amendment continues:

SEC. 101. [The State of Pennsylvania is divided into three judicial districts, to be known as the eastern, middle, and western districts of Pennsylvania. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill. Terms of the district court shall be held at Philadelphia on the second Mondays in March and June, the third Monday in September, and the second Monday in December, each term to continue until the succeeding term begins. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Bradford, Cameron, Carbon, Center, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York. Terms of the district court shall be held at Scranton on the fourth Monday in February and the third Monday in October; at Harrisburg on the first Mondays in May and December; and at Williamsport on the second Mondays in January and June. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland. Terms of the district court shall be held at Pittsburgh on the first Monday in May and the third Monday in October; and at Erie on the third Monday in July and the second Monday in January.]

SEC. 102. [The State of Rhode Island shall constitute one judicial district, to be known as the district of Rhode Island. Terms of the district court shall be held at Providence on the first Tuesdays in February and August; and at Newport on the second Tuesday in May and the third Tuesday in October.]

SEC. 103. [The State of South Carolina is divided into two districts, to be known as the eastern and western districts of South Carolina. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Abbeville, Anderson, Cherokee, Chester, Edgefield, Fairfield, Greenville, Greenwood, Lancaster, Laurens, Newberry, Oconee, Pickens, Saluda, Spartanburg, Union, and York. Terms of the district court for the western district shall be held at Greenville on the third Tuesdays in April and October. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Aiken, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Hampton, Horry, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg. Terms of the district court for the eastern district shall be held at Charleston on the first Tuesdays in June and December; at Columbia on the third Tuesday in January and the first Tuesday in November, the latter term to be solely for the trial of civil cases; and at Florence on the first Tuesday in March. The offices of the clerk of the district court shall be at Greenville and at Charleston; and the clerk shall reside in one of said cities and have a deputy in the other.]

SEC. 104. [The State of South Dakota shall constitute one judicial district, to be known as the district of South Dakota. The territory embraced on the 1st day of July, 1910, in the counties of Aurora, Beadle, Bon Homme, Brookings, Brule, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, Lyman, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton, and in the Crow Creek, Lower Brule, and Yankton Indian Reservations, shall constitute the southern division of said district; the territory embraced on the date last mentioned in the counties of Armstrong, Brown, Campbell, Clark, Codington, Corson, Day, Deuel, Dewey, Edmunds, Grant, Hamlin, McPherson, Marshall, Roberts, Sminsha, Spink, and Walworth, and in the Sisseton and Wahpeton Indian Reservations, shall constitute the northern division; the territory embraced on the date last mentioned in the counties of Buffalo, Faulk, Hand, Hughes, Hyde, Jerauld, Potter, Stanley, and Sully, and in the Cheyenne River Indian Reservation, and that portion of the Standing Rock Indian Reservation lying within South Dakota, shall constitute the central division; and the territory embraced on the date last mentioned in the counties of Bennett, Butte, Custer, Fall River, Harding, Lawrence, Meade, Mellette, Pennington, Perkins, Shannon, Todd, Tripp, Washabau, and Washington, and in the Rosebud and Pine Ridge Indian Reservations, shall constitute the western division. Terms of the district court for the southern division shall be held at Sioux Falls on the first Tuesday in April and the third Tuesday in October; for the northern division, at Aberdeen on the first Tuesday in May and the second Tuesday in November; for the central division, at Pierre on the second Tuesday in June and the first Tuesday in October; and for the western division, at Deadwood on the third Tuesday in May and the first Tuesday in September. The clerk of the district court shall reside and have his principal office at Sioux Falls; and may appoint, as provided in section 4, deputies to reside and have their offices at Pierre, Deadwood, and Aberdeen.]

The next amendment to the amendment was, in section 104, page 54, line 23, after the word "appoint," to insert "as provided in section 4," so as to read:

The clerk of the district court shall reside and have his principal office at Sioux Falls; and may appoint, as provided in section 4, deputies to reside and have their offices at Pierre, Deadwood, and Aberdeen.]

The amendment to the amendment was agreed to.

The amendment continues:

SEC. 105. [The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Blount, Bradley, Hamilton, James, McMinn, Marion, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Rhea, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the southern division of said district shall be held at Chattanooga on the fourth Mondays in May and November; for the northern division, at Knoxville on the first Mondays in January and July; and for the northeastern division, at Greeneville on the last Mondays in March and September. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bedford, Cannon, Cheatham, Coffee, Davidson, Dickson, Franklin, Giles, Grundy, Hickman, Humphreys, Houston, Lawrence, Lewis, Lincoln, Marshall, Maury, Montgomery, Moore, Robertson, Rutherford, Stewart, Sumner, Trousdale, Warren, Wayne, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Mondays in April and October; and for the northeastern division, at Cookeville on the second Mondays in May and November: *Provided*, That suitable accommodations for holding court at Cookeville shall be provided by the county or municipal authorities without expense to the United States. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama north to the point in Henry County, Tenn., where the south boundary line of the State of

Kentucky strikes the west bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the fourth Mondays in May and November; and for the eastern division, at Jackson on the fourth Mondays in April and October. The clerk of the court for the western district shall appoint, in the manner provided in section 4, a deputy who shall reside at Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. The clerk of the court for the eastern district shall maintain an office, in charge of himself or a deputy, at Knoxville, at Chattanooga, and at Greeneville, which shall be kept open at all times for the transaction of the business of the court.]

The next amendment to the amendment was in section 105, page 56, line 3, after the word "constitute" to insert "Nashville division;" in line 8, after the words "for the" to insert "Nashville division;" in line 23, after "Weakley" to insert:

including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama north to the point in Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the west bank of the river;

and on page 57, line 9, after the word "appoint," to insert "in the manner provided in section 4, a;" so as to read:

The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bedford, Cannon, Cheatham, Coffee, Davidson, Dickson, Franklin, Giles, Grundy, Hickman, Humphreys, Houston, Lawrence, Lewis, Lincoln, Marshall, Maury, Montgomery, Moore, Robertson, Rutherford, Stewart, Sumner, Trousdale, Warren, Wayne, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Mondays in April and October; and for the northeastern division at Cookeville on the second Mondays in May and November: *Provided, That suitable accommodations for holding court at Cookeville shall be provided by the county or municipal authorities without expense to the United States.* The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, *including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama north to the point in Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the west bank of the river, which shall constitute the eastern division of said district.* Terms of the district court for the western division of said district shall be held at Memphis on the fourth Mondays in May and November; and for the eastern division at Jackson on the fourth Mondays in April and October. The clerk of the court for the western district shall appoint, in the manner provided in section 4, a deputy who shall reside at Jackson.

The amendment to the amendment was agreed to.

The Secretary proceeded to read section 106 of the amendment, relating to Texas.

Mr. CULBERSON. I have not had an opportunity, not having seen this amendment until a few moments ago, to compare it with existing law, but I understand from the Senator from Idaho, who has charge of the bill, that it makes no changes in existing law as to the State of Texas.

Mr. HEYBURN. It makes no changes in the existing law. There are some italics, for instance, on pages 58 and 59, referring to a new division that was created. Pending consideration by the committee, legislation was enacted dividing and creating divisions. We have carried all that into this section. The Senator will find that this exactly comports with the existing law.

OCEAN MAIL SERVICE AND THE PROMOTION OF COMMERCE.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). The Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived. It will be stated.

The SECRETARY. A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. Mr. President, I will inquire if any Senator is prepared to proceed with the discussion of the bill. I had intended to ask for a day upon which to vote on the bill, but at the request of a Senator I agreed to postpone that request until to-morrow. I will simply state that on to-morrow I will ask that the bill be voted on a week from Thursday next, the 26th, and if it is found impossible to secure consent for a vote at that or some other proper time, I shall then feel constrained, day by day, to ask that the consideration of the bill be proceeded with. I now ask that it be temporarily laid aside.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

REVISION OF LAWS—JUDICIARY TITLE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

The Secretary read section 106 of the amendment, as follows:

SEC. 106. [The State of Texas is divided into four districts, to be known as the northern, eastern, western, and southern districts of Texas. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dallas, Ellis, Hunt, Johnson, Kaufman, Navarro, and Rockwall, which shall constitute the Dallas division; also the territory embraced on the date last mentioned in the counties of Archer, Baylor, Clay, Comanche, Erath, Foard, Hardeman, Hood, Jack, Palo Pinto, Parker, Tarrant, Wichita, Wilbarger, Wise, and Young, which shall constitute the Fort Worth division; also the territory embraced on the date last mentioned in the counties of Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, King, Lamb, Lipscomb, Lubbock, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler, which shall constitute the Amarillo division; also the territory embraced on the date last mentioned in the counties of Andrews, Borden, Callahan, Dawson, Eastland, Fisher, Gaines, Garza, Haskell, Howard, Jones, Kent, Knox, Lynn, Martin, Midland, Mitchell, Nolan, Scurry, Shackelford, Stephens, Stonewall, Taylor, Terry, Throckmorton, and Yoakum, which shall constitute the Abilene division; also the territory embraced on the date last mentioned in the counties of Brown, Coke, Coleman, Concho, Crockett, Glasscock, Irion, Menard, Mills, Runnels, Schleicher, Sterling, Sutton, Tom Green, and Upton, which shall constitute the San Angelo division of the said district. Terms of the district court for the Dallas division shall be held at Dallas on the second Monday in January and the first Monday in May; for the Fort Worth division, at Fort Worth on the first Monday in November and the second Monday in March; for the Amarillo division, at Amarillo on the third Monday in April and the fourth Monday in September; for the Abilene division, at Abilene on the first Monday in October and the second Monday in April; and for the San Angelo division, at San Angelo on the third Monday in October and the fourth Monday in April. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Dallas, at Fort Worth, at Amarillo, at Abilene, and at San Angelo, which shall be kept open at all times for the transaction of the business of the court. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Anderson, Angelina, Cherokee, Gregg, Henderson, Houston, Nacogdoches, Panola, Rains, Rusk, Smith, Van Zandt, and Wood, which shall constitute the Tyler division; also the territory embraced on the date last mentioned in the counties of Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Sabine, San Augustine, Shelby, and Tyler, which shall constitute the Beaumont division; also the territory embraced on the date last mentioned in the counties of Collin, Cook, Denton, Grayson, and Montague, which shall constitute the Sherman division; also the territory embraced on the date last mentioned in the counties of Camp, Cass, Harrison, Hopkins, Marion, Morris, and Upshur, which shall constitute the Jefferson division; also the territory embraced on the date last mentioned in the counties of Delta, Fannin, Red River, and Lamar, which shall constitute the Paris division; also the territory embraced on the date last mentioned in the counties of Bowie, Franklin, and Titus, which shall constitute the Texarkana division. The terms of the district court for the Tyler division, shall be held at Tyler on the fourth Mondays in January and April; for the Jefferson division, at Jefferson on the first Monday in October and the third Monday in February; for the Beaumont division, at Beaumont on the third Monday in November and the first Monday in April; for the Sherman division, at Sherman on the first Monday in January and the third Monday in May; for the Paris division, at Paris on the third Monday in October and the first Monday in March; and for the Texarkana division, at Texarkana on the third Monday in March and the first Monday in November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy in Sherman, at Beaumont, and at Texarkana, which shall be kept open at all times for the transaction of the business of said court. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bastrop, Blanco, Burleson, Burnet, Caldwell, Gillespie, Hays, Kimble, Lampasas, Lee, Llano, Mason, McCulloch, San Saba, Travis, Washington, and Williamson, which shall constitute the Austin division; also the territory embraced on the date last mentioned in the counties of Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gonzales, Guadalupe, Karnes, Kendall, Kerr, Medina, and Wilson, which shall constitute the San Antonio division; also the territory embraced on the date last mentioned in the counties of Brewster, Crane, Ector, El Paso, Jeff Davis, Loving, Reeves, Presidio, Ward, and Winkler, which shall constitute the El Paso division; also the territory embraced on the date last mentioned in the counties of Bell, Bosque, Coryell, Falls, Hamilton, Freestone, Hill, Leon, Limestone, McLennan, Milam, Robertson, and Somervell, which shall constitute the Waco division; also the territory embraced on the date last mentioned in the counties of Kinney, Maverick, Pecos, Terrell, Uvalde, Valverde, and Zavalla, which shall constitute the Del Rio division. Terms of the district court for the Austin division, shall be held at Austin on the fourth Monday in January and the second Monday in June; for the Waco division, at Waco on the fourth Monday in February and the second Monday in November; for the San Antonio division, at San Antonio on the first Monday in May and the third Monday in December; for the El Paso division, at El Paso on the first Monday in April and the first Monday in October; and for the Del Rio division, at Del Rio on the third Monday in March and the fourth Monday in October. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Austin, at El Paso, and at Del Rio, which shall be kept open at all times for the transaction of business. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Duval, La Salle, McMullen, Nueces, Webb, and Zapata, which shall constitute the Laredo division; also the territory embraced on the date last mentioned in the counties of Cameron, Hidalgo, and Starr, which shall constitute the Brownsville division; also the territory embraced on the date last mentioned in the counties of Austin, Brazoria, Chambers, Galveston, Fort Bend, Matagorda, and Wharton, which shall constitute the Galveston division; also the territory embraced on the date last mentioned in the counties of Brazos, Colorado, Fayette, Grimes, Harris, Lavaca, Madison, Montgomery, Polk, San Jacinto, Trinity, Walker, and Waller, which shall

constitute the *Houston* division; also the territory embraced on the date last mentioned, in the counties of Bee, Calhoun, Dewitt, Goliad, Jackson, Live Oak, Refugio, Aransas, San Patricio, and Victoria, which shall constitute the *Victoria* division. Terms of the district court for the *Galveston* division, shall be held at Galveston on the second Monday in January and the first Monday in June; for the *Houston* division, at Houston on the fourth Mondays in February and September; for the *Laredo* division, at Laredo on the third Monday in April and the second Monday in November; for the *Brownsville* division, at Brownsville on the second Monday in May and the first Monday in December; and for the *Victoria* division, at Victoria on the first Monday in May and the fourth Monday in November. The clerk of the court for the southern district shall maintain an office in charge of himself or a deputy at each of the places now designated for holding court in said district.]

The amendments to the section were, on page 58, line 12, before the word "division," to insert "Amarillo;" on page 59, line 3, before the word "division," to insert "Amarillo;" on page 62, line 14, before the word "division," to insert "Brownsville;" in line 17, before the word "division," to insert "the Galveston;" in line 21, before the word "division," to insert "the Houston;" in line 25, before the word "division," to insert "the Victoria;" on page 63, line 1, before the word "division," to insert "the Galveston;" in line 3, before the word "division," to insert "the Houston;" in line 4, after the word "for," to insert "the Laredo;" in line 6, before the word "division," to insert "the Brownsville;" and in line 8, before the word "division," to insert "the Victoria."

The amendments to the amendment were agreed to.

The Secretary read section 107, as follows:

SEC. 107. [The State of Utah shall constitute one judicial district, to be known as the district of Utah. It is divided into two divisions, to be known as the northern and central divisions. The northern division shall include the territory embraced on the 1st day of July, 1910, in the counties of Boxelder, Cache, Davis, Morgan, Rich, and Weber. The central division shall include the territory embraced on the date last mentioned in the counties of Beaver, Carbon, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Salt Lake, San Juan, San Pete, Sevier, Summit, Tooele, Uinta, Utah, Wasatch, Washington, and Wayne. Terms of the district court for the northern division shall be held at Ogden on the second Mondays in March and September; and for the central division, at Salt Lake City on the second Mondays in April and November. The clerk of the court for said district shall maintain an office in charge of himself or a deputy at each of the places where the court is now required to be held in the district.]

The Secretary read section 108, as follows:

SEC. 108. [The State of Vermont shall constitute one judicial district, to be known as the district of Vermont. Terms of the district court shall be held at Burlington on the fourth Tuesday in February; at Windsor on the third Tuesday in May; and at Rutland on the first Tuesday in October. In each year one of the stated terms of the district court may, when adjourned, be adjourned to meet at Montpelier and one at Newport.]

The Secretary read section 109, as follows:

SEC. 109. [The State of Virginia is divided into two districts, to be known as the eastern and western districts of Virginia. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Accomac, Alexandria, Amelia, Brunswick, Caroline, Charles City, Chesterfield, Culpeper, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Gloucester, Goochland, Greensville, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Powhatan, Prince Edward, Prince George, Prince William, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, and York. Terms of the district court shall be held at Richmond on the first Mondays in April and October; at Norfolk on the first Mondays in May and November; and at Alexandria on the first Mondays in January and July. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alleghany, Albemarle, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Frederick, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Madison, Montgomery, Nelson, Page, Patrick, Pulaski, Pittsylvania, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wyothe. Terms of the district court shall be held at Lynchburg on the Tuesdays after the second Mondays in March and September; at Danville on the Tuesdays after the second Mondays in April and November; at Abingdon on the Tuesdays after the first Mondays in May and October; at Harrisonburg on the Tuesdays after the first Mondays in June and December; at Charlottesville on the second Monday in January and the first Monday in July; at Roanoke on the third Monday in February and the third Monday in June; and at Big Stone Gap on the fourth Monday in January and the second Monday in August. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Lynchburg, at Danville, at Charlottesville, at Roanoke, at Abingdon, and at Big Stone Gap, which shall be kept open at all times for the transaction of the business of the court.]

The Secretary read section 110, as follows:

SEC. 110. [The State of Washington is divided into two districts, to be known as the eastern and western districts of Washington. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Spokane, Stevens, Ferry, Okanogan, Chelan, Grant, Douglas, Lincoln, Kittitas, and Adams, with the waters thereof, including all Indian reservations within said counties, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Asotin, Garfield, Whitman, Columbia, Franklin, Walla Walla, Benton, Klickitat, and Yakima, with the waters thereof, including all Indian reservations within said counties, which shall constitute the southern division of said district. Terms of the district court for the eastern division shall be held at

Spokane on the first Tuesdays in April and September; for the southern division, at Walla Walla on the first Tuesdays in June and December, and at North Yakima on the first Tuesdays in May and October. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Whatcom, Skagit, Snohomish, King, San Juan, Island, Kitsap, Clallam, and Jefferson, with the waters thereof, including all Indian reservations within said counties, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Pierce, Mason, Thurston, Chehalis, Pacific, Lewis, Wahkiakum, Cowlitz, Clarke, and Skamania, with the waters thereof, including all Indian reservations within said counties, which shall constitute the western division of said district. Terms of the district court for the northern division, shall be held at Bellingham on the first Tuesdays in April and October; at Seattle on the first Tuesdays in May and November; and for the western division, at Tacoma on the first Tuesdays in February and July. The clerks of the courts for the eastern and western districts shall maintain an office in charge of himself or a deputy at each place in their respective districts where terms of court are now required to be held.]

Mr. JONES. On page 63, line 15, I desire to strike out the word "Kittitas" and to insert it in line 20, after the word "Klickitat." That puts it in the southern division.

Mr. HEYBURN. It transfers the county of Kittitas from one division to another?

Mr. JONES. Yes. I will state that the court is held in Yakima County, and Kittitas is just 30 miles north on the same line of railway. Therefore it should be in that division instead of the other.

Mr. HEYBURN. Where would the Senator insert it?

Mr. JONES. I would put it in line 20, after Klickitat.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington to the amendment.

The amendment to the amendment was agreed to.

Mr. JONES. In line 17, I move to strike out the word "eastern," before "division," and to insert "northern," making it the northern division instead of the eastern. Then it divides all the district into the northern and southern divisions.

The amendment to the amendment was agreed to.

Mr. JONES. In line 23, before the word "division," I move to strike out "eastern" and insert "northern."

The amendment to the amendment was agreed to.

Mr. JONES. On page 67, line 12, before the word "division," I move to strike out the word "western" and to insert "southern."

Mr. HEYBURN. I should like to inquire of the Senator just what effect that will have on existing conditions. Do I understand that the Senator is making a line east and west from the Idaho line to the ocean?

Mr. JONES. No; I am not changing the lines at all; but, for instance, in western Washington there is one division called the western division.

Mr. HEYBURN. That is in western Washington.

Mr. JONES. Yes. I am simply changing that same territory. It is the southern part of the district, and I am calling it the southern division. I do not propose to change the line of any division at all.

Mr. HEYBURN. What, then, would be the designation for the eastern counties?

Mr. JONES. In the one we are just talking about, in the western district, there are no eastern counties. It is called the western division, but the district is really divided by a line running east and west. The northern counties are in one division and the southern counties in the other, but one is called the northern division and the other is called the western division when in fact the western county—

Mr. HEYBURN. Then the Spokane region is in the northern district and in the eastern division?

Mr. JONES. No; it is in the eastern district, where Spokane is, with which the Senator is familiar. The northern counties are called the eastern division. I am changing that and calling Spokane County, Ferry County, Stevens County, and so on, the northern division.

Mr. HEYBURN. I have no objection to it. I have had some correspondence in regard to it, and that is the reason why I called attention to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. JONES. In line 16, before the word "division," I move to strike out "western" and insert "southern."

The amendment to the amendment was agreed to.

The Secretary read as follows:

SEC. 111. [The State of West Virginia is divided into two districts, to be known as the northern and southern districts of West Virginia. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof. Terms

of the district court for the northern district shall be held at Wheeling on the first Tuesday in April and third Tuesday in September; at Clarksburg on the third Tuesday in April and first Tuesday in October; at Martinsburg on the second Tuesday in May and the third Tuesday in October; at Parkersburg on the second Tuesdays in January and June; and at Philippi on the fourth Tuesday in May and the first Tuesday in November: *Provided*, That a place for holding court at Philippi shall be furnished the Government free of cost by Barbour County until other provision is made therefor by law. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Jackson, Boone, Clay, Braxton, Webster, Nicholas, Pocahontas, Greenbrier, Fayette, Boone, Kanawha, Putnam, Mason, Cabell, Wayne, Lincoln, Logan, Mingo, Raleigh, Wyoming, McDowell, Mercer, Summers, and Monroe, with the waters thereof. Terms of the district court for the southern district shall be held at Charleston on the first Tuesday in June and the third Tuesday in November; at Huntington on the first Tuesday in April and the first Tuesday after the third Monday in September; at Bluefield on the first Tuesday in May and the third Tuesday in October; at Addison on the first Monday in September; and at Lewisburg on the second Tuesday in February: *Provided*, That accommodations for holding court at Addison shall be furnished without cost to the United States.]

SEC. 112. [The State of Wisconsin is divided into two districts, to be known as the eastern and western districts of Wisconsin. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewaunee, Langlade, Manitowish, Marinette, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago. Terms of the district court for said district shall be held at Milwaukee on the first Mondays in January and October, at Oshkosh on the second Tuesday in June, and at Green Bay on the first Tuesday in April. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Dunn, Douglas, Eau Claire, Grant, Green, Iowa, Iron, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Price, Richland, Rock, Rusk, St. Croix, Sauk, Sawyer, Taylor, Trempealeau, Vernon, Vilas, Washburn, and Wood. Terms of the district court for said district shall be held at Madison on the first Tuesday in December, at Eau Claire on the first Tuesday in June, at La Crosse on the third Tuesday in September, and at Superior on the fourth Tuesday in January and the second Tuesday in July. The district court for each of said districts shall be open at all times for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction, so far as the same can be done without a jury. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Madison, at La Crosse, and at Superior, which shall be kept open at all times for the transaction of the business of the court. The marshal for the western district shall appoint a deputy marshal, who shall reside and keep his office at Superior. All writs and other process, except criminal warrants, issued at Superior may be made returnable at Superior; and the clerk at that place shall keep in his office the original records of all actions, prosecutions, and special proceedings so commenced and pending therein. Criminal warrants may be returned at any place within the district where court is held. Whenever warrants issued at Superior shall be returned at any other place, the clerk of the court wherein the warrant is returned shall certify the same, under the seal of the court, together with the plea and other proceedings had thereon, and the determination of the court upon such plea or proceedings, with all papers and orders filed in reference thereto, to the clerk of the court at Superior; and the clerk at Superior shall enter upon his records a minute of the proceedings had upon the return of said warrant, certified as aforesaid. All causes and proceedings instituted in the court at Superior shall be tried therein, unless by consent of the parties or upon the order of the court they are transferred to another place for trial.]

The amendments to section 112 were, on page 70, line 23, after the word "place," to insert "within the district;" in line 24, after the word "warrants," to insert "issued at Superior;" on page 71, line 1, to strike out the word "where" and insert "wherein;" in line 4, before the words "all papers," to insert "with;" in line 8, before the word "instituted," insert "and proceedings;" and in line 10, after the word "court," to insert the words "they are transferred to another place for trial."

The amendments to the amendment were agreed to.

Mr. HEYBURN. Mr. President, one moment before the Senator from Washington leaves the Chamber. I perhaps was not specific enough. I have had some correspondence with reference to the change of the names of those districts and divisions. An objection has been raised because it is stated it will require the reprinting of all stationery and the changing of all books and will make considerable trouble. Has the Senator taken that up with the United States attorneys and the judges there, or is it merely a suggestion on his part?

Mr. JONES. I have not.

Mr. HEYBURN. I would suggest, inasmuch as it applies to a division of the State, that it is a considerable item, because the stationery is provided in large quantities in advance.

Mr. JONES. It simply applies to two divisions.

Mr. HEYBURN. At least three sets of stationery would have to be reprinted. The Senator has not conferred with those officers. I merely make the suggestion, because I would not want it to appear here that I paid no heed to their request that I should give the matter attention.

Mr. JONES. I am very glad the Senator has suggested it, because nothing of the kind was suggested to me. I will be glad to take up the matter with them.

Mr. HEYBURN. The Senator can do it by telegraph, or perhaps a consultation with the Senator's colleague will answer the purpose.

Mr. JONES. Very well.

The last section of the amendment was read, as follows:

SEC. 113. [The State of Wyoming and the Yellowstone National Park shall constitute one judicial district, to be known as the district of Wyoming. Terms of the district court for said district shall be held at Cheyenne on the second Mondays in May and November; at Evanston on the second Tuesday in July; and at Lander on the first Monday in October; and the said court shall hold one session annually at Sheridan, and in said national park, on such dates as the court may order. The marshal and clerk of the said court shall each, respectively, appoint at least one deputy to reside at Evanston, and one to reside at Lander, unless he himself shall reside there, and shall also maintain an office at each of those places: *Provided*, That until a public building is provided at Lander, suitable accommodations for holding court in said town shall be furnished the Government at an expense not to exceed \$300 annually. The marshal of the United States for the said district may appoint one or more deputy marshals for the Yellowstone National Park, who shall reside in said park.]

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. HEYBURN. I had Arkansas passed over at the request of the senior Senator from that State. I do not see him present. I should like, if possible, to dispose of this chapter now. It is better to finish up these chapters as we go along.

Mr. SMOOT. The Senator from Iowa [Mr. CUMMINS] also desired to be present when this chapter was considered.

Mr. STONE. I should like to ask if the unfinished business has yet been laid before the Senate.

The PRESIDING OFFICER. It has been, the Chair will state to the Senator.

Mr. STONE. What disposition was made of it?

The PRESIDING OFFICER. It was temporarily laid aside.

Mr. GALLINGER. I will state to the Senator from Missouri, with whom I had some conversation about the matter, that at the request of one Senator I did not ask to-day to fix a day for voting on the bill; but I announced that I would make that request to-morrow.

The PRESIDING OFFICER. Does the Senator from Idaho want the question put on the sections reserved?

Mr. HEYBURN. I thought if the Senators from Arkansas and Iowa were convenient it would enable us to dispose of the entire chapter. Pages have gone into the rooms to find them. However, we will have to pass over those sections.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum, as some Senators desire to be present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following answered to their names:

Bacon	Crane	Jones	Simmons
Beveridge	Crawford	Kean	Smith, Mich.
Bourne	Culberson	Lodge	Smith, S. C.
Bradley	Cummins	McCumber	Smoot
Brandegee	Depew	Martin	Stephenson
Briggs	Dick	Money	Stone
Bristow	Dixon	Overman	Sutherland
Brown	du Pont	Page	Swanson
Bulkeley	Fletcher	Percy	Tallaferro
Burkett	Flint	Perkins	Terrell
Burnham	Frye	Piles	Warner
Burton	Gallinger	Rayner	Warren
Carter	Gamble	Richardson	
Chamberlain	Gugenhelm	Root	
Clark, Wyo.	Heyburn	Scott	

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present.

Mr. HEYBURN. The Senator from Iowa [Mr. CUMMINS] being now present, I should like to recur to section 79 and inquire of the Senator from Iowa what amendment he proposes to suggest.

Mr. CUMMINS. Will the Senator from Idaho please repeat his request?

Mr. HEYBURN. We have finished the consideration of the chapter, with the exception of Iowa and Arkansas, which we passed over at the request of Senators from those States. I should like to know if there is any amendment the Senator desires to make to the section relative to Iowa.

Mr. CUMMINS. I have not had time to examine it. I should like to ask the Senator from Idaho whether it makes any change in the present law.

Mr. HEYBURN. I think I will be able to meet the Senator's desire. The Senator will find a memorandum attached at the end of the amendment dealing with section 79, telling exactly what has been done:

Section 79: The acts authorizing the holding of terms of court at Davenport and at Ottumwa conferred upon the court authority to fix the times of holding court at those places. The court did so, and for three years has held court at those places on the dates so fixed.

Upon the recommendation of the district attorney those dates are carried into the revision—

In order to make the law conform to the fact.

Those provisions requiring the clerk and marshal to maintain deputies at Creston were struck out by the House when it had the section under

consideration, upon the motion of the Iowa Members interested, and upon their statement that the business at that place was so small as not to warrant the keeping of deputies there. It is for that reason omitted here.

Mr. CUMMINS. I believe the omission was eminently wise. I have no amendment to offer to the section. Assuming that the statement in the explanation is correct, and I do assume that it is correct, I shall not offer any amendment to the section.

Mr. HEYBURN. I ask for the adoption of the section.

The PRESIDING OFFICER. The question is on agreeing to section 79.

The section was agreed to.

Mr. HEYBURN. Now, the only remaining section for consideration is that of Arkansas. It was passed over at the request of the senior Senator from that State. I do not know whether he answered the roll call or whether he is at hand or not. I very much desire to clear up this chapter. This is the only remaining question that is open, and it is chapter 72 of the bill. If we can dispose of it now, I would be very glad to do it. However, I can not very well, in the absence of the Senator from Arkansas, ask that it be taken up; so we will proceed with other measures.

The senior Senator from Georgia [Mr. BACON] interposed some objection to section 1 and asked that it go over. I now have that section in a shape that will doubtless meet with his approval. However, in his absence I will again pass that section and proceed to the consideration of section 131, on page 128 of the bill. That is the point at which we left off its consideration.

The PRESIDING OFFICER. The Secretary will read.

The Secretary read section 131, as follows:

Sec. 131. Any judge of a circuit court of appeals, in respect of cases brought or to be brought before that court, shall have the same powers and duties as to allowances of appeals and writs of error, and the conditions of such allowances, as by law belong to the justices or judges in respect of other courts of the United States, respectively.

Mr. HEYBURN. I ask for the adoption of the section.

The PRESIDING OFFICER. Without objection, the section is agreed to.

The Secretary read section 132, as follows:

Sec. 132. The circuit courts of appeals, in cases in which their judgments and decrees are made final by this title, shall have appellate jurisdiction, by writ of error or appeal, to review the judgments, orders, and decrees of the supreme courts of Arizona and New Mexico, as by this title they may have to review the judgments, orders, and decrees of the district courts; and for that purpose said Territories shall, by orders of the Supreme Court of the United States, be made from time to time, be assigned to particular circuits.

The PRESIDING OFFICER. Without objection, section 132 is agreed to.

The Secretary read the next section, as follows:

Sec. 133. [In all cases other than those in which a writ of error or appeal will lie direct to the Supreme Court of the United States as provided in section two hundred and thirty-four, in which the amount involved or the value of the subject-matter in controversy shall exceed \$500, and in all criminal cases, writs of error and appeals shall lie from the district court for Alaska or from any division thereof, to the circuit court of appeals for the ninth circuit, and the judgments, orders, and decrees of said court shall be final in all such cases. But whenever such circuit court of appeals may desire the instruction of the Supreme Court of the United States upon any question or proposition of law which shall have arisen in any such case, the court may certify such question or proposition to the Supreme Court, and thereupon the Supreme Court shall give its instruction upon the question or proposition certified to it, and its instructions shall be binding upon the circuit court of appeals.]

Mr. HEYBURN. This section is a reenactment of section 15 of the circuit court of appeals act, and the changes made in the language used are indicated by italics, and are necessary for the purpose of revision. The section is existing law.

The PRESIDING OFFICER. Without objection, section 133 is agreed to.

The Secretary read section 134, as follows:

Sec. 134. All appeals, and writs of error, and other cases, coming from the district court for the district of Alaska to the circuit court of appeals for the ninth circuit, shall be entered upon the docket and heard at San Francisco, Cal., or at Portland, Oreg., or at Seattle, Wash., as the trial court before whom the case was tried below shall fix and determine: *Provided*, That at any time before the hearing of any appeal, writ of error, or other case, the parties thereto, through their respective attorneys, may stipulate at which of the above-named places the same shall be heard, in which case the case shall be remitted to and entered upon the docket at the place so stipulated and shall be heard there.

Mr. HEYBURN. I desire to recur to the preceding section, section 133. It is necessary in order that this work may intelligently appear in the Record that the reasons shall be given for changes in that section, where changes are made. The statement that I made with reference to the provisions in section 133—

Mr. BACON. I desire to make an inquiry, with the permission of the Senator. I understood that the Senator was upon the amendment which related to the distribution of the different counties in each State among the several district courts.

Mr. HEYBURN. That was concluded during the Senator's absence, with the exception of Arkansas, and the Arkansas section was laid aside, because of the absence of the senior Senator from Arkansas, who had requested an opportunity to look into it.

Mr. BACON. I was not interested in the matter to which the Senator now alludes; but am I to understand that the Senator now has before the Senate the bill which relates to the jurisdiction of the courts and the distribution of power among the various courts?

Mr. HEYBURN. Yes.

Mr. BACON. I did not anticipate that the Senator was going to pass into that branch of the subject. I supposed from what he said when the matter was taken up that the part of the act to be considered now does not relate to the subject of the distribution of power among the various district courts. There can be no more important matter than the question of the jurisdiction of the Federal courts and the distribution of power between the district courts and the circuit courts.

The Senator will remember that the other day, after he proposed to take it up, I suggested that the matter was of such importance that Senators ought to have notice of the time when the Senator proposed to call that question up. I have been acting upon that suggestion. I said to the Senator I was perfectly willing that any day should be designated that would suit his convenience, but some of us have communications which were sent to us by judges and by lawyers and officers of the courts, and even resolutions, I understand, of the National Bar Association; and I thought it was a matter of such importance that all Senators ought to know that it was going to be considered, so that they might be here. I do not think, Mr. President, it becomes us, with a handful of Senators, to attempt to deal with so far-reaching and responsible a matter as is this. I would, therefore, appeal to the Senator. I was just going to suggest that it would be in the economy of time and in the accomplishment of some definite result if so important a matter as this were put down for a certain time. It has doubtless had the most careful consideration of the Senator's committee; I do not depreciate their industry, nor do I question the wisdom of their conclusions, except in so far as it is necessary that each Senator may be guided in a measure by his own judgment. I simply desire to appeal to the Senator to ask to have this bill taken up at a certain time.

I was myself misled, or I should have been utilizing the time since the bill was first taken up this morning to prepare myself to present some views in regard to this matter. We have all of us a great many things which necessarily engage our attention and occupy our time. I should want to examine this bill very carefully and be prepared, if I might be able, to present some views that I have in regard to the matter, which do not simply reflect my own views, but the views of officers of the Government who are in the judicial branch of the service.

I have not, for instance, the resolution which was passed, as I understand, by the National Bar Association, a very important assembly, in which they, after solemn consideration, have expressed themselves as not entirely agreeing with some of the provisions in this bill. I should myself be very glad if the Senator would pretermitt this until we should have opportunity, upon notice of his intention to call it up, to be ready to present what we might wish to say about it.

The Senator will recall the fact, Mr. President, that when the criminal code bill was before the Senate and occupied possibly weeks, first and last, there was little or no attention given to it by the Senate at large; and I think this is a very much more important matter than that.

Mr. HEYBURN. Mr. President, during the last session of this Congress we proceeded about halfway through with this bill, giving it consideration day after day, and on the 30th of March, 1910, it was laid aside because it was not thought possible to finish it during that session and in order that Senators might have an opportunity to examine it. In order to facilitate its examination, the committee had printed a report, which is Report No. 388, and I particularly call the Senator's attention to it, because it answers the objection that Senators are not familiar with this bill. Every section is explained in detail. It contains a statement by reference to sections as to what changes, if any, were made and why they were made, and I particularly commend it to Senators.

If possible, this measure should be enacted at this Congress; otherwise the bill will die. We shall be compelled to commence over again in committee and in the Senate and in the other House. The other House is about as far along in the disposition of the bill as is this body. I do sincerely hope that Senators will familiarize themselves with the bill, so that we shall not be met with the objection that they have not had

time to consider it. We have had since last March. Since that time the committee has taken pains to have reports, references, memoranda, and all those means of advising Senators, printed and placed upon their desks, and at the beginning of the session we repeated that process.

The Senator from Georgia now suggests that I fix a time for the consideration of the bill. There are so many things before the Senate; there are so many special orders and requests for special orders, and things of that kind, that I would not know when to ask for the fixing of a time with any assurance that it would be reached and would not interfere with or be interfered with or displaced by appropriation bills. I am very anxious to get the bill ahead, to get it forward.

What part of the measure is it that the Senator from Georgia is not ready to take up? We have passed over one portion at his suggestion.

Mr. BACON. Which one was that?

Mr. HEYBURN. The one which involves a change in the system of the courts. That was passed over. I am not asking the Senate now to proceed to consider that. Why not proceed to consider those matters to which no objection is urged?

Mr. BACON. I will say to the Senator that I did not know that that particular provision had been passed over.

Mr. HEYBURN. It was passed over last March.

Mr. BACON. Oh, last March. I was speaking of to-day. It has not been adverted to to-day.

Mr. HEYBURN. We are not taking up matters that were passed over; we are proceeding from the point where we ceased the consideration of the bill.

Mr. BACON. Well, Mr. President, I have no greater interest in this bill than has any other Senator, probably not so much as have some others. I only am concerned that it shall receive the attention of the Senate, and that matters so grave as those to which the Senator from Idaho has just alluded, to wit, the constitution of the courts and their several jurisdictions, shall not be passed over in a manner which shall not indicate that they have received the consideration of the entire body.

The particular matter that the Senate is now upon I confess I have not so great an interest in as the one to which the Senator has alluded, which is the one that I have the most concern about; that is, the question of the change in the constitution of the courts. I am somewhat of an old foggy upon that question, Mr. President. We have courts which have existed for over a hundred years. I am not one of those in favor of changing for any slight reason or for anything less than a very grave reason the present constitution of those courts. Of course, that is not now under consideration.

If the Senator from Idaho will pretermit, as he has suggested, and as is now recognized as the intention, the consideration of that particular part of it, I do not know that I have any objection particularly to the consideration of other parts.

Mr. HEYBURN. The committee was proceeding with the consideration of the bill from the point where we laid aside the consideration of it last March.

Mr. CULBERSON. Mr. President—

Mr. HEYBURN. I should like to finish my statement in an orderly way.

Mr. CULBERSON. In view of a statement I was about to make, I will not interpose. I only wanted to make an independent inquiry about what this bill contained; but there is no hurry about it.

Mr. HEYBURN. If the Senator from Texas will permit me, I should like to finish my statement now, and then I will yield.

Mr. CULBERSON. Certainly.

Mr. HEYBURN. We had under consideration section 133, and I made certain suggestions as to changes. I did not have before me the memorandum of changes, so as to enable me to state them accurately. I desire that, in connection with every section which is adopted, the explanation shall appear in the Record. I therefore present it:

Section 133: This section is drawn from section 202 of the Criminal Code for Alaska and from sections 504 and 505 of the Civil Code, and states the existing law upon the subject. Those portions of the sections which authorize the taking of writs of error and appeals direct to the Supreme Court have been revised in section 234. At the present time capital cases go direct to the Supreme Court. The committee has so modified section 234 as to take from the Supreme Court its jurisdiction of capital cases, the effect being to vest the right to review on a writ of error in the circuit court of appeals. This is accomplished, so far as this section is concerned, by the omission of the words "other than capital," after the words "and in all criminal cases."

That being a very important change in the manner of procedure regarding Alaska cases, I feel there should be no element of uncertainty left as to why it was done. Now, I will ask the Senate to proceed to section 134.

The PRESIDING OFFICER. The Secretary will read section 134.

The Secretary read section 134, as follows:

Sec. 134. All appeals, and writs of error, and other cases, coming from the district court for the district of Alaska to the circuit court of appeals for the ninth circuit, shall be entered upon the docket and heard at San Francisco, Cal., or at Portland, Oreg., or at Seattle, Wash., as the trial court before whom the case was tried below shall fix and determine: *Provided*, That at any time before the hearing of any appeal, writ of error, or other case, the parties thereto, through their respective attorneys, may stipulate at which of the above-named places the same shall be heard, in which case the case shall be remitted to and entered upon the docket at the place so stipulated and shall be heard there.

Mr. HEYBURN. Mr. President, this section states the existing law.

Section 134: This section states the existing law, the omission of the words "that hereafter," at the beginning of the section, and the words "in the State of" before "California," "Oregon," and "Washington," respectively, being on account of redundancy.

The PRESIDING OFFICER. The question is on the adoption of the section as read.

The section was agreed to.

The reading of the bill was resumed, and the Secretary read as follows:

CHAPTER 7. THE COURT OF CLAIMS.

Sec.	Sec.
135. Appointment, oath, and salary of judges.	160. Aliens.
136. Seal.	161. All claims to be filed within six years; exceptions.
137. Session; quorum.	162. Rules of practice; may punish contempt.
138. Officers of the court.	163. Oaths and acknowledgments.
139. Salaries of officers.	164. Petitions and verification.
140. Clerk's bond.	165. Petition dismissed, when.
141. Contingent fund.	166. Burden of proof and evidence as to loyalty.
142. Reports to Congress; copies for departments, etc.	167. Commissioners to take testimony.
143. Members of Congress not to practice in the court.	168. Power to call upon departments for information.
144. Jurisdiction: Par. 1. Claims against the United States. 2. Set-offs. 3. Disbursing officers.	169. When testimony not to be taken.
145. Private claims in Congress transmitted to court.	170. Examination of claimant.
146. Judgments for set-off or counterclaims; how enforced.	171. Testimony; where taken.
147. Decree on accounts of disbursing officers.	172. Witnesses before commissioners.
148. Claims referred by departments.	173. Cross-examinations.
149. Procedure in cases transmitted by departments.	174. Witnesses; how sworn.
150. Judgments in cases transmitted by departments; how paid.	175. Fees of commissioners, by whom paid.
151. Claims in departments transmitted to court with consent of claimants.	176. Claims forfeited for fraud.
152. Claims in departments transmitted to court without consent of claimants; effect of findings.	177. Claims under act of June 10, 1874.
153. Either House of Congress or any committee thereof may refer claim to court.	178. New trial on motion of claimant.
154. Court may enter judgment in certain cases.	179. New trial on motion of United States.
155. Either House of Congress may refer certain claims to court.	180. Cost of printing record.
156. Costs may be allowed prevailing party.	181. No interest on claims.
157. Certain war claims not within jurisdiction of court.	182. Effect of payment of judgment.
158. Claims growing out of treaties not cognizable therein.	183. Final judgments a bar.
159. Claims pending in other courts.	184. Debtors to the United States may have amount due ascertained.
	185. Appeals and writs of error.
	186. Attorney General's report to Congress.
	187. Loyalty a jurisdictional fact in certain cases.
	188. Attorney General to appear for the defense.
	189. Persons not to be excluded as witnesses on account of color or because of interest; plaintiff may be witness for Government.
	190. Reports of court to Congress.

[Sec. 135. The Court of Claims, established by the act of February 24, 1855, shall be continued. It shall consist of a chief justice and four judges, who shall be appointed by the President, by and with the advice and consent of the Senate, and hold their offices during good behavior. Each of them shall take an oath to support the Constitution of the United States, and to discharge faithfully the duties of his office. The chief justice shall be entitled to receive an annual salary of \$6,500, and each of the other judges an annual salary of \$6,000, payable monthly, from the Treasury.]

Mr. HEYBURN. The report states, as to section 135:

This section states existing law, the increase in the salaries of the judges provided in the act of February 12, 1903 (32 Stat., 825), being carried into the section.

The PRESIDING OFFICER. The question is on the adoption of the section.

The section was agreed to.

The Secretary read section 136, as follows:

Sec. 136. The Court of Claims shall have a seal, with such device as it may order.

Mr. HEYBURN. That is existing law. There is no change in the language.

The PRESIDING OFFICER. The question is on the adoption of the section.

The section was agreed to.

The Secretary read section 137, as follows:

SEC. 137. [The Court of Claims shall hold one annual session at the city of Washington, beginning on the first Monday in December and continuing as long as may be necessary for the prompt disposition of the business of the court. Any three of the judges of said court shall constitute a quorum, and may hold a court for the transaction of business: *Provided*, That the concurrence of three judges shall be necessary to the decision of any case.]

Mr. HEYBURN. This section carries the act of June 23, 1874, into the existing revision.

The PRESIDING OFFICER. Without objection, the section will be agreed to.

The Secretary read section 138, as follows:

SEC. 138. The said court shall appoint a chief clerk, an assistant clerk if deemed necessary, a bailiff, and a chief messenger. The clerks shall take an oath for the faithful discharge of their duties, and shall be under the direction of the court in the performance thereof; and for misconduct or incapacity they may be removed by it from office; but the court shall report such removals, with the cause thereof, to Congress, if in session, or if not, at the next session. The bailiff shall hold his office for a term of four years, unless sooner removed by the court for cause.

Mr. HEYBURN. The report states as to this section:

Section 138: In recent appropriation acts the messenger provided for in section 1053, Revised Statutes, is termed a *chief messenger*, for the reason that additional messengers are now provided for the court. The section therefore states the existing law.

The section simply states existing law in conformity with the new denomination of this officer.

The PRESIDING OFFICER. The question is on the adoption of the section.

The section was agreed to.

The Secretary read section 139, as follows:

SEC. 139. [The salary of the chief clerk shall be \$3,500 a year; of the assistant clerk \$2,500 a year; of the bailiff \$1,500 a year, and of the chief messenger \$1,000 a year, payable quarterly from the Treasury.]

Mr. HEYBURN. Mr. President, I think this may be fairly stated as existing law. This section states the salaries provided in the last three or four appropriation acts for the officers authorized by section 1054 of the Revised Statutes. In view of the general practice of Congress in increasing in appropriation acts the salaries paid to officers and clerks, this section may fairly be considered as existing law. It is a composite of existing law.

The PRESIDING OFFICER. The question is on the adoption of the section.

The section was agreed to.

The Secretary read section 140, as follows:

SEC. 140. The chief clerk shall give bond to the United States in such amount, in such form, and with such security as shall be approved by the Secretary of the Treasury.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read section 141, as follows:

SEC. 141. The said clerk shall have authority, when he has given bond as provided in the preceding section, to disburse, under the direction of the court, the contingent fund which may from time to time be appropriated for its use; and his accounts shall be settled by the proper accounting officers of the Treasury in the same way as the accounts of other disbursing agents of the Government are settled.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read section 142, as follows:

[SEC. 142. On the first day of every regular session of Congress the clerk of the Court of Claims shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, stating the amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims upon which they were rendered. At the end of every term of the court he shall transmit a copy of its decisions to the heads of departments; to the Solicitor, the Comptroller, and the Auditors of the Treasury; to the Commissioner of the General Land Office and of Indian Affairs; to the chiefs of bureaus, and to other officers charged with the adjustment of claims against the United States.]

Mr. HEYBURN. That is existing law with one change in the first line, where the word "regular" is substituted for "December."

The PRESIDING OFFICER. The question is on the adoption of the section.

The section was agreed to.

The Secretary read section 143, as follows:

SEC. 143. No Member or Member-elect of Congress shall practice in the Court of Claims.

Mr. HEYBURN. Mr. President, the only change proposed in this section is that it prohibits Members-elect of Congress from practicing in the Court of Claims.

The PRESIDING OFFICER. The question is on the adoption of the section.

The section was agreed to.

The Secretary proceeded to read section 144, as follows:

SEC. 144. The Court of Claims shall have jurisdiction to hear and determine the following matters:

[First. All claims (except for pensions) founded upon the Constitution of the United States or any law of Congress, upon any regulation of an executive department, upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable: *Provided, however*, That nothing in this section shall be construed as giving to the said court jurisdiction to hear and determine claims growing out of the late Civil War, and commonly known as "war claims," or to hear and determine other claims which, prior to March third, eighteen hundred and eighty-seven, had been rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same.]

Mr. CULBERSON. Mr. President, I ask the Senator in charge of the bill to explain the amendment in italics near the bottom of page 133.

Mr. HEYBURN. What is the line?

Mr. CULBERSON. Lines 21 and 22, near the bottom of page 133, the words "prior to March 3, 1887."

Mr. HEYBURN. Has the Senator before him the report?

Mr. CULBERSON. I have not.

Mr. HEYBURN. Every Senator should have a copy of the report. I will read from it:

The act of January 20, 1885 (23 Stat., 283), commonly known as the French spoliation claims act, and the act of March 3, 1891 (26 Stat., 851), commonly known as the Indian depredation claims act, have not been carried into the revision for the reason that neither act is "one of a general nature, permanent in character."

When we left out any portion of what had been associated with the Revised Statutes, it was necessary to bridge over that so that the provisions would be continuous. The italics, "March 3, 1887," merely fix the time that was fixed in a statute that does not appear in this revision, because it was not a general statute. Having cut out of this revision what was not general legislation, we had to make some statement that would fill this gap, if I may so express it, in regard to the date, the limitation. So we stated it in new language irrespective of the act.

Mr. CULBERSON. Mr. President, that portion of this section applicable to the present inquiry reads:

Or to hear and determine other claims which, prior to March 3, 1887, had been rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same.

Mr. HEYBURN. That was in a statute that has not been carried into the revision.

Mr. CULBERSON. What becomes of claims adverse action upon which has been had since the date which is italicized in this bill?

Mr. HEYBURN. They are provided for by the general terms of this measure.

Mr. CULBERSON. This is the jurisdictional part, Mr. President, of the act, the part conferring jurisdiction upon the Court of Claims, and these cases are excepted from the jurisdiction of the court by this general law.

Mr. HEYBURN. Mr. President, if the Senator will read the other two paragraphs of this section I think he will get some light on that matter. This section is divided into three paragraphs for the purpose of discussing these three separate subjects of jurisdiction. The provision in italics became apparently necessary when we had eliminated from the existing law certain provisions. It then became necessary to connect up, so to speak, that which was to remain in the Revised Statutes. The other laws will pass out of existence, because their purposes will have been fulfilled; but these provisions, having been interwoven with provisions of law that will pass out of existence, it is necessary to repeat them in this portion of the law which is retained in order that the law might not be disconnected from the necessary provisions for its execution. I think the Senator has already found an answer to his question in the second paragraph of this section.

Mr. CULBERSON. I confess, Mr. President, that nothing I have read or heard changes my opinion about the matter. Here is a general provision, conferring upon the Court of Claims jurisdiction to hear a certain character of cases. That portion of the section to which I allude, by the amendment proposed by the Senator in charge of the bill, excepts such claims the adverse decision upon which by any of the departments was had since March 3, 1887; in other words, all that character of cases covered by paragraph 1 of section 144 which have been decided since 1887 are left without jurisdiction anywhere, so far as this code is concerned. The court has no jurisdiction of this character of cases unless the adverse decision was made prior to 1887.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Utah?

Mr. CULBERSON. I do.

Mr. HEYBURN. I have the existing law.

Mr. SUTHERLAND. The provision to which the Senator from Texas calls attention is simply another way of declaring the existing law. The act of March 3, 1887, defining the jurisdiction of the Court of Claims, contains a proviso which reads:

Provided, however, That nothing in this section shall be construed as giving to either of the courts herein mentioned jurisdiction to hear and determine claims growing out of the late Civil War and commonly known as "war claims," or to hear and determine other claims which have heretofore been rejected.

That was the language of the act of March 3, 1887—"which have heretofore been rejected." In reciting the jurisdiction of that court it would not do to say at this date "claims which have heretofore been rejected," because then the language would refer to this date, when the existing law, passed in 1887, referred to that date—that is, March 3, 1887. Therefore it is necessary, in order to carry into effect the act of 1887, to refer to the date of the act; and so, instead of "claims which have heretofore been rejected," we say "claims which have been rejected prior to March 3, 1887," which is the date of the act.

Mr. HEYBURN. Having left out, Mr. President, the recitals in that act, we would be without any guide did we not express it as we have in this amendment. I think Senators would be able to take up these questions more readily if they had the report before them. Part 2 of the report, on page 349, contains all of that information that is necessary. The report is in two parts. Part 2 has the existing law written opposite every section. Part 1 has a commentary upon the changes or the status of the sections, so that a Senator can see at a glance, with that before him, just what the purpose was. It would have been necessary otherwise to write in the provisions of that statute instead of merely stating the date that defines the operation.

The PRESIDING OFFICER. The Secretary will read.

Mr. HEYBURN. Do I understand the Senator from Texas to interpose an objection to that section?

Mr. CULBERSON. I have an individual objection, but I would not call for a quorum or anything of that kind on the subject. I simply wanted an explanation and to let the Record show that this objection, if it be an objection, was pointed out.

Mr. HEYBURN. I hope the Senator will refer to page 349 of the report, and I think that his doubt will then be removed. This section appears in three paragraphs. As I recall, only the first paragraph of the section was read. I ask that the other paragraphs be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

[Second. All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided*, That no suit against the Government of the United States brought by any officer of the United States to recover fees for services alleged to have been performed for the United States shall be allowed under this chapter until an account for said fees shall have been rendered and finally acted upon as required by law unless the proper accounting officer of the Treasury fails to act finally thereon within six months after the account is received in said office.]

Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of loss by capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible.

Mr. HEYBURN. This act will remain in force outside of the revision without repeal until all pending cases are finally disposed of, when it will become obsolete. That is one reason for not carrying it into permanent law.

The PRESIDING OFFICER. The question is on the adoption of the section as read.

The section was agreed to.

The Secretary read as follows:

SEC. 145. All petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon any law of Congress, or upon any regulation of an executive department, or upon any contract, express or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the House in which they are introduced, be transmitted by the Secretary of the Senate or the Clerk of the House of Representatives, with all the accompanying documents, to the Court of Claims.

Mr. HEYBURN. That is section 1060 of the Revised Statutes, and the only change consists in the use of the word "express" instead of the word "expressed."

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 146. Upon the trial of any cause in which any set-off, counterclaim, claim for damages, or other demand is set up on the part of the Government against any person making claim against the Government

in said court, the court shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government it shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases provided for by law. Any transcript of such judgment, filed in the clerk's office of any district court, shall be entered upon the records thereof, and shall thereby become and be a judgment of such court and be enforced as other judgments in such court are enforced.

Mr. HEYBURN. That is existing law, with the exception that reference to the circuit court is omitted in pursuance of the general plan of the revision.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 147. Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed as a credit in the settlement of his accounts.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 148. Whenever any claim is made against any executive department, involving disputed facts or controverted questions of law, where the amount in controversy exceeds \$3,000, or where the decision will affect a class of cases, or furnish a precedent for the future action of any executive department in the adjustment of a class of cases, without regard to the amount involved in the particular case, or where any authority, right, privilege, or exemption is claimed or denied under the Constitution of the United States, the head of such department may cause such claim, with all the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims, and the same shall be there proceeded in as if originally commenced by the voluntary action of the claimant; and the Secretary of the Treasury may, upon the certificate of any auditor or of the Comptroller of the Treasury, direct any account, matter, or claim of the character, amount, or class described in this section to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to the said court for trial and adjudication: *Provided*, That no case shall be referred by any head of a department unless it belongs to one of the several classes of cases which by reason of the subject matter and character, the said court might, under existing laws, take jurisdiction of on such voluntary action of the claimant.

Mr. HEYBURN. That is existing law, with the exception that the words "of the" are inserted, having originally been omitted from the original text.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 149. All cases transmitted by the head of any department, or upon the certificate of any auditor, or of the Comptroller of the Treasury, according to the provisions of the preceding section, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations.

Mr. HEYBURN. That is existing law, with the exception of the added words "of the" before the word "Comptroller" and "of the Treasury." They were obviously omissions from the original text.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 150. The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under the two preceding sections, shall be paid out of any specific appropriation applicable to the case, if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner as other judgments of the said court.

Mr. HEYBURN. That is existing law, without change.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 151. [When any claim or matter may be pending in any of the Executive Departments which involves controverted questions of fact or law, the head of such department, with the consent of the claimant, may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to the Court of Claims, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the department by which it was transmitted.]

Mr. HEYBURN. This is drawn from section 12 of the Tucker Act, and is existing law. The only change consists in the omission of the word "that" at the beginning of the section.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 152. When a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the department by which it was transmitted for its guidance and action.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 153. Whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found the court shall not enter judgment thereon, except in the cases mentioned in the next succeeding section, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 154. In every case which shall come before the Court of Claims, or is now pending therein under the provisions of the two sections last preceding, if it shall appear to the satisfaction of the court, upon the facts established, that it has jurisdiction to render judgment or decree thereon under existing laws, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and report its proceedings therein to either House of Congress or to the department by which the same was referred to said court.

Mr. HEYBURN. That is existing law. Some slight changes are made in the phraseology where it refers to another act, but there is no change in the principle of the law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 155. Whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, which shall proceed with the same in accordance with such rules as it may adopt, and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

Mr. HEYBURN. I offer the amendment I send to the desk.

The SECRETARY. On page 139, line 23, after the word "remedy," insert:

together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity, against the United States, and the amount, if any, legally or equitably due from the United States to the claimant.

The PRESIDING OFFICER. The question is on the adoption of the amendment submitted by the Senator from Idaho.

Mr. HEYBURN. For the information of Senators, I should say that this simply carries into the section the amendment made to it by the act of June 25, 1910—recent legislation.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the section is adopted.

Mr. BACON. I certainly misunderstood the Senator from Idaho as to the scope of the sections which have been under consideration. I understood the Senator to say that everything which related to the merger of these courts was passed over, and yet all of these sections, or large numbers of them at least, are sections which relate to vesting in the district court the jurisdiction of the circuit court, which is the essence of the question.

Mr. HEYBURN. The Senator has not apprehended the spirit of what we are doing. We have been dealing entirely with the Court of Claims. Every provision has been one dealing with that court.

Mr. BACON. I understand that; but, as I understood the Senator, this particular bill is not the one which has included in it the provision which merges, as it were, the jurisdiction of the two courts.

Mr. HEYBURN. It does not merge it. The Tucker Act—Mr. BACON. Or takes it away, I should say, rather than merges, from the circuit court and devolves it upon the district court.

Mr. HEYBURN. No; it is not touched in this chapter. This deals only with the Court of Claims. It does not deal with the jurisdiction of other courts at all; neither takes from them nor adds to them.

Mr. BACON. This whole bill—

Mr. HEYBURN. The chapter now under consideration—

Mr. BACON. I am speaking of the whole bill.

Mr. HEYBURN. The Senator is aware of the fact that upon his own motion the portion of the bill which did propose to

change the character of the courts has been laid aside and is not under consideration.

Mr. BACON. I simply wished to know whether I was correct in my understanding.

Mr. HEYBURN. The Senator is correct in that.

Mr. BACON. For instance, I call the attention of the Senator to a number of sections which do not mention the circuit court, devolving certain jurisdiction upon the district court.

Mr. HEYBURN. We were not considering them at all.

Mr. BACON. Does the Senator understand that all sections of that kind are included in the part which has been passed over for future consideration?

Mr. HEYBURN. I have here an absolutely correct record of what was passed over; and if the Senator is anxious to go into a consideration of that question—

Mr. BACON. Not at all. I simply want to—

Mr. HEYBURN. I can refer him to what was done with every section of this bill. I have it written on the margin of the bill.

Mr. BACON. I will not take the time of the Senate to have the Senator do that.

Mr. HEYBURN. I can say to the Senator that we are not now considering anything with reference to the subject matter to which he has called attention.

Mr. BACON. The Senator from Idaho has stated that to me several times, and I understand it, but I wish to know this, with the permission of the Senator: Whether the act of passing over and premitting the consideration of certain provisions in the proposed law includes all of those sections which vest certain jurisdiction in the district court?

Mr. HEYBURN. It will include them, and if any are encountered later on in the bill they will be passed over for consideration under the general subject, whether or not we are going to change the system of our judicature.

Mr. BACON. That is the entire thing, of course.

Mr. HEYBURN. That was the understanding.

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

The Secretary read as follows:

Sec. 156. If the Government of the United States shall put in issue the right of the plaintiff to recover, the court may, in its discretion, allow costs to the prevailing party from the time of joining such issue. Such costs, however, shall include only what is actually incurred for witnesses, and for summoning the same, and fees paid to the clerk of the court.

Mr. HEYBURN. There is no change in existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 157. [The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall said court have jurisdiction of any claim against the United States which is barred by virtue of the provisions of any law of the United States.]

Mr. HEYBURN. That is existing law. The words "the" and "now" in the last clause of the section were dropped out as being redundant. It is merely a matter of the construction of the sentence.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 158. The jurisdiction of the said court shall not extend to any claim against the Government not pending therein on December 1st, 1862, growing out of or dependent on any treaty stipulation entered into with foreign nations or with the Indian tribes.

Mr. HEYBURN. That is existing law, with the exception of the use of the word "first," which is italicized, in place of the word "one," an error which was apparent on the face of the section.

The PRESIDING OFFICER. Does the Chair understand the Senator to say that there has been a change in the section?

Mr. HEYBURN. I was merely explaining that in the construction of the sentence sometimes it is necessary to drop out a word like "and" or "to."

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 159. No person shall file or prosecute in the Court of Claims, or in the Supreme Court on appeal therefrom, any claim for or in respect to which he or any assignee of his has pending in any other court any suit or process against any person who, at the time when the cause of action alleged in such suit or process arose, was, in respect thereto, acting or professing to act, mediate or immediately, under the authority of the United States.

Mr. HEYBURN. That is existing law, without change.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 160. Aliens who are citizens or subjects of any government which accords to citizens of the United States the right to prosecute claims against such government in its courts shall have the privilege of prosecuting claims against the United States in the Court of Claims, whereof such court, by reason of their subject matter and character, might take jurisdiction.

Mr. HEYBURN. There is no change from existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 161. Every claim against the United States cognizable by the Court of Claims shall be forever barred unless the petition setting forth a statement thereof is filed in the court or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives, as provided by law, within six years after the claim first accrues: *Provided*, That the claims of married women, first accrued during marriage, of persons under the age of 21 years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the petition be filed in the court or transmitted, as aforesaid, within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively.

Mr. HEYBURN. The section as presented states the law as it was established by the United States Supreme Court in the case of the United States *v.* Greathouse, in One hundred and sixty-sixth United States, 601, so that it may be fairly stated that the section proposed states the existing law exactly.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 162. The said court shall have power to establish rules for its government and for the regulation of practice therein, and it may punish for contempt in the manner prescribed by the common law, may appoint commissioners, and may exercise such powers as are necessary to carry into effect the powers granted to it by law.

Mr. HEYBURN. There is no change from existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 163. The judges and clerks of said court may administer oaths and affirmations, take acknowledgments of instruments in writing, and give certificates of the same.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 164. The claimant shall in all cases fully set forth in his petition the claim, the action thereon in Congress or by any of the departments, if such action has been had, what persons are owners thereof or interested therein, when and upon what consideration such persons became so interested; that no assignment or transfer of said claim or of any part thereof or interest therein has been made, except as stated in the petition; that said claimant is justly entitled to the amount therein claimed from the United States after allowing all just credits and offsets; that the claimant and, where the claim has been assigned, the original and every prior owner thereof, if a citizen, has at all times borne true allegiance to the Government of the United States; and, whether a citizen or not, has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government; and that he believes the facts as stated in the said petition to be true. The said petition shall be verified by the affidavit of the claimant, his agent or attorney.

Mr. HEYBURN. That is existing law, as found in section 1072 of the Revised Statutes.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 165. The said allegations as to true allegiance and voluntary aiding, abetting, or giving encouragement to rebellion against the Government may be traversed by the Government, and if on the trial such issues shall be decided against the claimant, his petition shall be dismissed.

Mr. HEYBURN. That is section 1073 of the Revised Statutes unchanged.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 166. Whenever it is material in any claim to ascertain whether any person did or did not give any aid or comfort to the late rebellion, the claimant asserting the loyalty of any such person to the United States during such rebellion shall be required to prove affirmatively that such person did, during said rebellion, consistently adhere to the United States and did give no aid or comfort to persons engaged in said rebellion; and the voluntary residence of any such person in any place where, at any time during such residence, the rebel force or organization held sway, shall be prima facie evidence that such person did give aid and comfort to said rebellion and to the persons engaged therein.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 167. The Court of Claims shall have power to appoint commissioners to take testimony to be used in the investigation of claims

which come before it, to prescribe the fees which they shall receive for their services, and to issue commissions for the taking of such testimony, whether taken at the instance of the claimant or of the United States.

Mr. HEYBURN. That is existing law, without change.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 168. The said court shall have power to call upon any of the departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business. But the head of any department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 169. [When it appears to the court in any case that the facts set forth in the petition of the claimant do not furnish any ground for relief, it shall not authorize the taking of any testimony therein.]

Mr. HEYBURN. The words "be the duty of the court to," in the last line of the section, are omitted, the effect being to prohibit the court from authorizing the taking of testimony when the petition of the claimant does not furnish any ground for relief. It merely goes to the matter of practice.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 170. The court may, at the instance of the attorney or solicitor appearing in behalf of the United States, make an order in any case pending therein, directing any claimant in such case to appear, upon reasonable notice, before any commissioner of the court and be examined on oath touching any or all matters pertaining to said claim. Such examination shall be reduced to writing by the said commissioner, and be returned to and filed in the court, and may, at the discretion of the attorney or solicitor of the United States appearing in the case, be read and used as evidence on the trial thereof. And if any claimant, after such order is made and due and reasonable notice thereof is given to him, fails to appear, or refuses to testify or answer fully as to all matters within his knowledge material to the issue, the court may, in its discretion, order that the said cause shall not be brought forward for trial until he shall have fully complied with the order of the court in the premises.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 171. The testimony in cases pending before the Court of Claims shall be taken in the county where the witness resides, when the same can be conveniently done.

Mr. HEYBURN. There is no change from existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 172. [The Court of Claims may issue subpoenas to require the attendance of witnesses in order to be examined before any person commissioned to take testimony therein. Such subpoenas shall have the same force as if issued from a district court, and compliance therewith shall be compelled under such rules and orders as the court shall establish.]

Mr. HEYBURN. The only changes there are in the form of the sentences. There is no change in the substance. It is the existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 173. In taking testimony to be used in support of any claim, opportunity shall be given to the United States to file interrogatories, or by attorney to examine witnesses, under such regulations as said court shall prescribe; and like opportunity shall be afforded the claimant, in cases where testimony is taken on behalf of the United States, under like regulations.

Mr. HEYBURN. There is no change of existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 174. The commissioner taking testimony to be used in the Court of Claims shall administer an oath or affirmation to the witnesses brought before him for examination.

Mr. HEYBURN. That is section 1084 of the Revised Statutes.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 175. When testimony is taken for the claimant, the fees of the commissioner before whom it is taken and the cost of the commission and notice shall be paid by such claimant; and when it is taken at the instance of the Government such fees shall be paid out of the contingent fund provided for the Court of Claims or other appropriation made by Congress for that purpose.

Mr. HEYBURN. The changes there are slight. The words "together with all postage incurred by the Assistant Attorney General," in the fifth and sixth lines of the section, are omitted as obsolete, as all such business is entitled to be sent through the mails under the official frank of the department. As thus modified the section is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 176. Any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim or of any part of any claim against the United States shall, ipso facto, forfeit the same to the Government; and it shall be the duty of the Court of Claims in such cases to find specifically that such fraud was practiced, or attempted to be practiced, and thereupon to give judgment that such claim is forfeited to the Government and that the claimant be forever barred from prosecuting the same.

Mr. HEYBURN. There is no change from existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 177. [No claim shall be allowed by the accounting officers under the provisions of the act of Congress approved June 16, 1874, or by the Court of Claims, or by Congress, to any person where such claimant, or those under whom he claims, shall willfully, knowingly, and with intent to defraud the United States, have claimed more than was justly due in respect of such claim, or presented any false evidence to Congress, or to any department or court, in support thereof.]

Mr. HEYBURN. That is existing law. There is no change.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 178. When judgment is rendered against any claimant, the court may grant a new trial for any reason which, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read section 179, as follows:

SEC. 179. The Court of Claims, at any time while any claim is pending before it, or on appeal from it, or within two years next after the final disposition of such claim, may, on motion, on behalf of the United States, grant a new trial and stay the payment of any judgment therein, upon such evidence, cumulative or otherwise, as shall satisfy the court that any fraud, wrong, or injustice in the premises has been done to the United States; but until an order is made staying the payment of a judgment, the same shall be payable and paid as now provided by law.

Mr. HEYBURN. This is simply a separation of a statute that had application to the Court of Claims and the Supreme Court. It was amended so as to apply only to the Court of Claims in this chapter.

The section was agreed to.

The Secretary read section 180, as follows:

SEC. 180. There shall be taxed against the losing party in each and every cause pending in the Court of Claims the cost of printing the record in such case, which shall be collected, except when the judgment is against the United States, by the clerk of said court and paid into the Treasury of the United States.

Mr. HEYBURN. My suggestion as to the section preceding was indicated to apply to this section. I move the adoption of the section.

The PRESIDING OFFICER. Without objection, section 180 is agreed to.

The Secretary read section 181, as follows:

SEC. 181. No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest.

Mr. HEYBURN. I move the adoption of the section.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read section 182, as follows:

SEC. 182. The payment of the amount due by any judgment of the Court of Claims, and of any interest thereon allowed by law, as hereinbefore provided, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy.

Mr. HEYBURN. I move the adoption of the section.

The section was agreed to.

The Secretary read section 183, as follows:

SEC. 183. Any final judgment against the claimant on any claim prosecuted as provided in this chapter shall forever bar any further claim or demand against the United States arising out of the matters involved in the controversy.

Mr. HEYBURN. I move the adoption of the section.

The section was agreed to.

The Secretary read section 184, as follows:

SEC. 184. [Whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer or agent or contractor so indebted, or that he or the person for whom he is such surety, guarantor, or personal repre-

sentative has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States had arisen and exists, and that he or the person he represents has applied to the proper department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application, and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said department and to the Attorney General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, to which an appeal shall lie, as in other cases, as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court; and unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred. The provisions of section one hundred and seventy shall apply to cases under this section.]

Mr. HEYBURN. This is a consolidation of two provisions in the Tucker Act, and the only change that is made is in the language necessary to express the consolidation. It is existing law. I move the adoption of the section.

The section was agreed to.

The Secretary read section 185, as follows:

SEC. 185. [The plaintiff or the United States, in any suit brought under the provision of the section last preceding, shall have the same right of appeal or writ of error as are now reserved in the statutes of the United States in that behalf made, and upon the conditions and limitations therein contained. The modes of procedure in claiming and perfecting an appeal or writ of error shall conform in all respects, as near as may be, to the statutes and rules of court governing appeals and writs of error in like causes.]

Mr. HEYBURN. I move the adoption of the section. I will state in connection with it that there is no change except that found necessary to make the meaning clear.

The section was agreed to.

The Secretary read section 186, as follows:

SEC. 186. [The Attorney General shall report to Congress, at the beginning of each regular session, the suits under section one hundred and eighty-four in which a final judgment or decree has been rendered, giving the date of each and a statement of the costs taxed in each case.]

Mr. HEYBURN. Mr. President, a word of explanation is due in regard to this section. The word "regular" before the word "session," in the second line of the section, has been added in the belief that Congress did not mean to require a report at the beginning of any special session. The dropping of the words "of Congress," in the second line, and the substitution of the words "section 184" for "this act" make no change in the meaning of the section. It was evidently a carelessly drawn statute and needed this change. I move its adoption.

The section was agreed to.

The Secretary read section 187, as follows:

SEC. 187. In any case of a claim for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

Mr. HEYBURN. Mr. President, that is existing law. We have made no change whatever. I move the adoption of the section.

The section was agreed to.

The Secretary read section 188, as follows:

SEC. 188. The Attorney General, or his assistants under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under the provisions of this chapter, with the same power to interpose counterclaims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is required to defend the United States in said court.

The VICE PRESIDENT. Without objection, the section is agreed to.

Mr. HEYBURN. Mr. President, I desire, where changes are made in connection with the adoption of the section, to make a statement, so that it will appear in the Record in connection with each amendment. The changes in this section consisted in the omission of the word "That" at the beginning of the section; the omission of the word "now" before the word "required," in the next to the last line, and in the substitution of the words "the provisions of this chapter," in the fourth and fifth lines, for "this act." The effect of this substitution

is to require the Attorney General to appear in all cases arising under the provisions of this chapter instead of cases arising under the so-called Bowman Act, from which the section is drawn, and to interpose the proper defense to suits. It will be seen that it enlarges the duties of the Attorney General to that extent. It is made necessary by the subsequent legislation.

The section was agreed to.

The Secretary read section 189, as follows:

SEC. 189. [No person shall be excluded as a witness in the Court of Claims on account of color, or because he or she is a party to or interested in the cause or proceeding; and any plaintiff or party in interest may be examined as a witness on the part of the Government.]

Mr. HEYBURN. That is simply the bringing together of two provisions in the law. It constitutes no change in existing law.

The VICE PRESIDENT. Without objection, the section is agreed to.

The Secretary read the next section, as follows:

SEC. 190. Reports of the Court of Claims to Congress, under section one hundred and fifty-four, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

Mr. HEYBURN. That constitutes no change in existing law. I move its adoption.

The section was agreed to.

The Secretary read as follows:

CHAPTER 8.

THE COURT OF CUSTOMS APPEALS.

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| Sec. | Sec. |
| 191. Court of Customs Appeals; appointment and salary of judges; quorum; circuit and district judges may act in place of judge disqualified, etc. | 197. To be a court of record; to prescribe form and style of seal, and establish rules and regulations; may affirm, modify, or reverse and remand case, etc. |
| 192. Court to be always open for business; terms may be held in any circuit; when expenses of judges to be paid. | 198. Final decisions of Board of General Appraisers to be reviewed only by customs court. |
| 193. Marshal of the court; appointment, salary, and duties. | 199. Other courts deprived of jurisdiction in customs cases; pending cases excepted. |
| 194. Clerk of the court; appointment, salary, and duties. | 200. Transfer to customs court of pending cases; completion of testimony. |
| 195. Assistant clerk, stenographic clerks, and reporter; appointment, salary, and duties. | 201. Appeals from Board of General Appraisers; time within which to be taken; record to be transmitted to customs court. |
| 196. Rooms for holding court to be provided; bailiffs and messengers. | 202. Records filed in customs court to be at once placed on calendar; calendar to be called every 60 days. |

SEC. 191. There is hereby created a United States Court of Customs Appeals, which shall be presided over by a presiding judge and four associate judges, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of \$7,000 a year. The presiding judge shall be so designated in the order of appointment and in the commission issued to him by the President; and the associate judges shall have precedence according to the date of their commissions. The said court shall organize and open for the transaction of business in the city of Washington, D. C., within 90 days after the judges or a majority of them, shall have qualified. Any three members of said court shall constitute a quorum, and the concurrence of three members shall be necessary to any decision thereof. In case of a vacancy or of the temporary inability or disqualification, for any reason, of one or two of the judges of said court, the President may, upon the request of the presiding judge of said court, designate any qualified United States circuit or district judge or judges to act in his or their place; and such circuit or district judges shall be duty qualified to so act.

The VICE PRESIDENT. Without objection, section 191 is agreed to.

The Secretary read section 192, as follows:

SEC. 192. The said Court of Customs Appeals shall always be open for the transaction of business, and sessions thereof may, in the discretion of the court, be held in the several judicial circuits, and at such places as said court may from time to time designate. Any judge who, in pursuance of the provisions of this chapter, shall attend a session of said court at any place other than the city of Washington, shall be paid, upon his written and itemized certificate, by the marshal of the district in which the court shall be held, his actual and necessary expenses incurred for travel and attendance, and the actual and necessary expenses of one stenographic clerk, who may accompany him; and such payments shall be allowed the marshal in the settlement of his accounts with the United States.

Mr. HEYBURN. This being a very recent act, of course, I think it is only fair where there are any changes to state some reason for them.

On line 20, page 153, the word "settlement" is used. "Settlement" is the correct term in the act. The word in the act is "statement." It is not a statement that is to be submitted; it is a settlement.

In section 191, line 7, the words "circuit or district judges" are used. That is because the law authorizes the sending of either of those classes of judges to hold this court.

At the outset I would say that we have been compelled necessarily to divide up and number this act, of very recent enactment, so that it does not bear just the same physical aspect as in the printed statutes. I merely call attention to that fact so that Senators may take it into consideration.

We have been compelled in some cases to use the word "and" for the purpose of connecting up, where we have been compelled to break into the structure, so to speak. Otherwise there are no changes whatever in this entire chapter 8 from existing law. It is the existing law as we recently enacted it.

The section was agreed to.

The Secretary read section 193, as follows:

SEC. 193. Said court shall have the services of a marshal, with the same duties and powers, under the regulations of the court, as are now provided for the marshal of the Supreme Court of the United States, so far as the same may be applicable. Said services within the District of Columbia shall be performed by a marshal to be appointed by and to hold office during the pleasure of the court, who shall receive a salary of \$3,000 per annum. Said services outside of the District of Columbia shall be performed by the United States marshals in and for the districts where sessions of said court may be held; and to this end said marshals shall be the marshals of said court. The marshal of said court, for the District of Columbia, is authorized to purchase, under the direction of the presiding judge, such books, periodicals, and stationery as may be necessary for the use of said court; and such expenditures shall be allowed and paid by the Secretary of the Treasury upon claim duly made and approved by said presiding judge.

The section was agreed to.

The Secretary read section 194, as follows:

SEC. 194. The court shall appoint a clerk, whose office shall be in the city of Washington, D. C., and who shall perform and exercise the same duties and powers in regard to all matters within the jurisdiction of said court as are now exercised and performed by the clerk of the Supreme Court of the United States, so far as the same may be applicable. The salary of the clerk shall be \$3,500 per annum, which sum shall be in full payment for all service rendered by such clerk; and all fees of any kind whatever and all costs shall be by him turned into the United States Treasury. Said clerk shall not be appointed by the court or any judge thereof as a commissioner, master, receiver, or referee. The costs and fees in the said court shall be fixed and established by said court in a table of fees to be adopted and approved by the Supreme Court of the United States within four months after the organization of said court: *Provided*, That the costs and fees so fixed shall not, with respect to any item, exceed the costs and fees charged in the Supreme Court of the United States; and the same shall be expended, accounted for, and paid over to the Treasury of the United States.

The section was agreed to.

The Secretary read section 195, as follows:

SEC. 195. In addition to the clerk, the court may appoint an assistant clerk at a salary of \$2,000 per annum, five stenographic clerks at a salary of \$1,600 per annum each, one stenographic reporter at a salary of \$2,500 per annum, and a messenger at a salary of \$840 per annum, all payable in equal monthly installments, and all of whom, including the clerk, shall hold office during the pleasure of and perform such duties as are assigned them by the court. Said reporter shall prepare and transmit to the Secretary of the Treasury once a week in time for publication in the Treasury Decisions copies of all decisions rendered to that date by said court, and prepare and transmit, under the direction of said court, at least once a year, reports of said decisions rendered to that date, constituting a volume, which shall be printed by the Treasury Department in such numbers and distributed or sold in such manner as the Secretary of the Treasury shall direct.

The section was agreed to.

The Secretary read section 196, as follows:

SEC. 196. The marshal of said court for the District of Columbia and the marshals of the several districts in which said Court of Customs Appeals may be held shall, under the direction of the Attorney General, and with his approval, provide such rooms in the public buildings of the United States as may be necessary for said court: *Provided*, That in case proper rooms can not be provided in such buildings, then the said marshals, with the approval of the Attorney General, may, from time to time, lease such rooms as may be necessary for said court. The bailiffs and messengers of said court shall be allowed the same compensation for their respective services as are allowed for similar services in the existing circuit courts. In no case shall said marshals secure other rooms than those regularly occupied by existing circuit courts, or district courts, or other public officers, except where such can not, by reason of actual occupancy or use, be occupied or used by said Court of Customs Appeals.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Without objection, the section will be adopted.

The Secretary read section 197, as follows:

SEC. 197. The said Court of Customs Appeals shall be a court of record, with jurisdiction as in this chapter established and limited. It shall prescribe the form and style of its seal, and the form of its writs and other process and procedure, and exercise such powers conferred by law as may be conformable and necessary to the exercise of its jurisdiction. It shall have power to establish all rules and regulations for the conduct of the business of the court, and as may be needful for the uniformity of decisions within its jurisdiction as conferred by law. It shall have power to review any decision or matter within its jurisdiction, and may affirm, modify, or reverse the same and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly.

The section was agreed to.

The Secretary read section 198, as follows:

SEC. 198. The Court of Customs Appeals established by this chapter shall exercise exclusive appellate jurisdiction to review by appeal, as

herein provided, final decisions by a board of general appraisers in all cases as to the construction of the law and the facts respecting the classification of merchandise and the rate of duty imposed thereon under such classification, and the fees and charges connected therewith, and all appealable questions as to the jurisdiction of said board, and all appealable questions as to the laws and regulations governing the collection of the customs revenues; and the judgment or decrees of said Court of Customs Appeals shall be final in all such cases.

Mr. HEYBURN. In section 198, line 21, page 157, there is an obvious error. It should read "the judgments and decrees." I move to strike out the word "or" and insert "and." That conforms to the practice. The word "judgment" should be in the plural.

The amendment was agreed to.

The section as amended was agreed to.

The Secretary read section 199, as follows:

SEC. 199. After the organization of said court, no appeal shall be taken or allowed from any Board of United States General Appraisers to any other court, and no appellate jurisdiction shall thereafter be exercised or allowed by any other courts in cases decided by said Board of United States General Appraisers; but all appeals allowed by law from such Board of General Appraisers shall be subject to review only in the Court of Customs Appeals hereby established, according to the provisions of this chapter: *Provided*, That nothing in this chapter shall be deemed to deprive the Supreme Court of the United States of jurisdiction to hear and determine all customs cases which have heretofore been certified to said court from the United States circuit courts of appeals on applications for writs of certiorari or otherwise, nor to review by writ of certiorari any customs case heretofore decided or now pending and hereafter decided by any circuit court of appeals, provided application for said writ be made within six months after August 15, 1909: *Provided further*, That all customs cases decided by a circuit or district court of the United States or a court of a Territory of the United States prior to said date above mentioned, and which have not been removed from said courts by appeal or writ of error, and all such cases heretofore submitted for decision in said courts and remaining undecided may be reviewed on appeal at the instance of either party by the United States Court of Customs Appeals, provided such appeal be taken within one year from the date of the entry of the order, judgment, or decrees sought to be reviewed.

Mr. HEYBURN. In section 199, line 16, the committee has inserted the words "August 5th, 1909," in lieu of the words "from and after the passage of this act," because that was the date of its passage, and it is an appropriate adaptation of language. I move the adoption of the section.

The section was agreed to.

The Secretary read section 200, as follows:

SEC. 200. Immediately upon the organization of the Court of Customs Appeals all cases within the jurisdiction of that court pending and not submitted for decision in any of the United States circuit courts of appeals, United States circuit, Territorial or district courts, shall, with the record and samples therein, be certified by said courts to said Court of Customs Appeals for further proceedings in accordance herewith: *Provided*, That where orders for the taking of further testimony before a referee have been made in any of such cases, the taking of such testimony shall be completed before such certification.

Mr. HEYBURN. I move the adoption of the section.

The section was agreed to.

The Secretary read section 201, as follows:

SEC. 201. If the importer, owner, consignee, or agent of any imported merchandise, or the collector or Secretary of the Treasury, shall be dissatisfied with the decision of the Board of General Appraisers as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, or with any other appealable decision of said board, they, or either of them, may, within 60 days next after the entry of such decree or judgment, and not afterwards, apply to the Court of Customs Appeals for a review of the questions of law and fact involved in such decision: *Provided*, That in Alaska and in the insular and other outside possessions of the United States 90 days shall be allowed for making such application to the Court of Customs Appeals. Such application shall be made by filing in the office of the clerk of said court a concise statement of errors of law and fact complained of; and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the court shall immediately order the Board of General Appraisers to transmit to said court the record and evidence taken by them, together with the certified statement of the facts involved in the case and their decision thereon; and all the evidence taken by and before said board shall be competent evidence before said Court of Customs Appeals. The decision of said Court of Customs Appeals shall be final, and such cause shall be remanded to said Board of General Appraisers for further proceedings to be taken in pursuance of such determination.

The section was agreed to.

The Secretary read section 202, as follows:

SEC. 202. Immediately upon receipt of any record transmitted to said court for determination the clerk thereof shall place the same upon the calendar for hearing and submission; and such calendar shall be called and all cases thereupon submitted, except for good cause shown, at least once every 60 days.

Mr. HEYBURN. I move the adoption of the section.

The section was agreed to.

Mr. HEYBURN. Now, I desire to introduce an amendment covering the Commerce Court, to come in after page 160. It will be an amendment to the bill. A law was enacted since the bill under consideration was reported.

The PRESIDING OFFICER. The Senator from Idaho offers an amendment as a new chapter which will be read.

The SECRETARY. After page 160 insert the following:

CHAPTER 9.

THE COMMERCE COURT.

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| <p>Sec. 202a. Commerce Court created; judges of, appointment and designation; expense allowance to judges.</p> <p>202b. Additional circuit judges; appointment and assignment.</p> <p>202c. Officers of the court; clerk, marshal, etc.; salaries, etc.</p> <p>202d. Court to be always open for business; sessions of, to be held in Washington and elsewhere.</p> <p>202e. Marshals to provide rooms for holding court outside of Washington.</p> <p>202f. Assignment of judges to other duty; vacancies, how filled.</p> <p>202g. Powers of court and judges; writs, process, procedure, etc.</p> <p>202h. Jurisdiction of the court.</p> <p>202i. Suits to enjoin, etc., orders of Interstate Commerce Commission to be against United States; restraining orders, when granted without notice.</p> | <p>Sec. 202j. Jurisdiction of the court, how invoked; practice and procedure.</p> <p>202k. Final judgments and decrees reviewable in Supreme Court.</p> <p>202l. Suits to be against United States; when United States may intervene.</p> <p>202m. Attorney General to control all cases; Interstate Commerce Commission may appear as of right; parties interested may intervene, etc.</p> <p>202n. Complainants may appear and be made parties to case.</p> <p>202o. Pending cases to be transferred to Commerce Court; exception; status of transferred cases.</p> |
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SEC. 202a. There is hereby created a court of the United States, to be known as the Commerce Court, which shall be a court of record, and shall have a seal of such form and style as the court may prescribe. The said court shall be composed of five judges, to be from time to time designated and assigned thereto by the Chief Justice of the United States, from among the circuit judges of the United States, for the period of five years, except that in the first instance the court shall be composed of the five additional circuit judges to be appointed as provided in the next succeeding section, who shall be designated by the President to serve for one, two, three, four, and five years, respectively, in order that the period of designation of one of the said judges shall expire in each year thereafter. In case of the death, resignation, or termination of assignment of any judge so designated, the Chief Justice shall designate a circuit judge to fill the vacancy so caused and to serve during the unexpired period for which the original designation was made. After the year 1914 no circuit judge shall be redesignated to service in the Commerce Court until the expiration of at least one year after the expiration of the period of his last previous designation. The judge first designated for the five-year period shall be the presiding judge of said court, and thereafter the judge senior in designation shall be the presiding judge. The associate judges shall have precedence and shall succeed to the place and powers of the presiding judge whenever he may be absent or incapable of acting in the order of the date of their designations. Four of said judges shall constitute a quorum, and at least a majority of the court shall concur in all decisions. Each of the judges during the period of his service in the Commerce Court shall, on account of the regular sessions of the court being held in the city of Washington, receive in addition to his salary as circuit judge an expense allowance at the rate of \$1,500 per annum.

SEC. 202b. The President shall, by and with the advice and consent of the Senate, appoint five additional circuit judges, no two of whom shall be from the same judicial circuit, who shall hold office during good behavior and who, from time to time, shall be designated and assigned by the Chief Justice of the United States for service in the district court of any district, or the circuit court of appeals for any circuit, or in the Commerce Court.

SEC. 202c. The court shall also have a clerk and a marshal, with the same duties and powers, so far as they may be appropriate and are not altered by rule of the court, as are now possessed by the clerk and marshal, respectively, of the Supreme Court of the United States. The offices of the clerk and marshal of the court shall be in the city of Washington, in the District of Columbia. The judges of the court shall appoint the clerk and marshal, and may also appoint, if they find it necessary, a deputy clerk and deputy marshal; and such clerk, marshal, deputy clerk, and deputy marshal shall hold office during the pleasure of the court. The salary of the clerk shall be \$4,000 per annum; the salary of the marshal \$3,000 per annum; the salary of the deputy clerk \$2,500 per annum; and the salary of the deputy marshal \$2,500 per annum. The said clerk and marshal may, with the approval of the court, employ all requisite assistance. The costs and fees in said court shall be established by the court in a table thereof, approved by the Supreme Court of the United States, within four months after the organization of the court; but such costs and fees shall in no case exceed those charged in the Supreme Court of the United States, and shall be accounted for and paid into the Treasury of the United States.

SEC. 202d. The Commerce Court shall be always open for the transaction of business. Its regular sessions shall be held in the city of Washington, in the District of Columbia; but the powers of the court or of any judge thereof, or of the clerk, marshal, deputy clerk, or deputy marshal may be exercised anywhere in the United States; and for expedition of the work of the court and the avoidance of undue expense or inconvenience to suitors the court shall hold sessions in different parts of the United States as may be found desirable. The actual and necessary expenses of the judges, clerk, marshal, deputy clerk, and deputy marshal of the court incurred for travel and attendance elsewhere than in the city of Washington shall be paid upon the written and itemized certificate of such judge, clerk, marshal, deputy clerk, or deputy marshal, by the marshal of the court, and shall be allowed to him in the settlement of his accounts with the United States.

SEC. 202e. The United States marshals of the Commerce Court may hold its sessions shall provide, under the direction and with the approval of the Attorney General, such rooms in the public buildings of the United States as may be necessary for the court's use; but in case proper rooms can not be provided in such public buildings, said marshals, with the approval of the Attorney General, may then lease from time to time other necessary rooms for the court.

SEC. 202f. If, at any time, the business of the Commerce Court does not require the services of all the judges, the Chief Justice of the United States may, by writing, signed by him and filed in the Department of Justice, terminate the assignment of any of the judges or temporarily assign him for service in any district court or circuit court of appeals. In case of illness or other disability of any judge assigned to the Commerce Court the Chief Justice of the United States may assign any other circuit judge of the United States to act in his place, and may terminate such assignment when the exigence thereof shall cease; and any circuit judge so assigned to act in place of such judge shall, during his assignment, exercise all the powers and perform all the functions of such judge.

SEC. 202g. In all cases within its jurisdiction the Commerce Court, and each of the judges assigned thereto, shall, respectively, have and may exercise any and all of the powers of a district court of the United States and of the judges of said court, respectively, so far as the same may be appropriate to the effective exercise of the jurisdiction hereby conferred. The Commerce Court may issue all writs and process appropriate to the full exercise of its jurisdiction and powers and may prescribe the form thereof. It may also, from time to time, establish such rules and regulations concerning pleading, practice, or procedure in cases or matters within its jurisdiction as to the court shall seem wise and proper. Its orders, writs, and process may run, be served, and be returnable anywhere in the United States; and the marshal and deputy marshal of said court and also the United States marshals and deputy marshals in the several districts of the United States shall have like powers and be under like duties to act for and in behalf of said court as pertain to United States marshals and deputy marshals generally when acting under like conditions concerning suits or matters in the district courts of the United States.

SEC. 202h. The commerce court shall have the jurisdiction now possessed by circuit courts of the United States and the judges thereof over all cases of the following kinds:

First. All cases for the enforcement, otherwise than by adjudication and collection of a forfeiture or penalty or by infliction of criminal punishment, of any order of the Interstate Commerce Commission other than for the payment of money.

Second. Cases brought to enjoin, set aside, annul, or suspend in whole or in part any order of the Interstate Commerce Commission.

Third. Such cases as by section 3 of the act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, are authorized to be maintained in a circuit court of the United States.

Fourth. All such mandamus proceedings as under the provisions of section 20 or section 23 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, are authorized to be maintained in a circuit court of the United States.

Nothing contained in this chapter shall be construed as enlarging the jurisdiction now possessed by the circuit courts of the United States or the judges thereof, that is hereby transferred to and vested in the commerce court.

The jurisdiction of the Commerce Court over cases of the foregoing classes shall be exclusive; but this chapter shall not affect the jurisdiction now possessed by any circuit or district court of the United States over cases or proceedings of a kind not within the above-enumerated classes.

SEC. 202i. Suits to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission shall be brought in the Commerce Court against the United States. The pendency of such suit shall not of itself stay or suspend the operation of the order of the Interstate Commerce Commission; but the Commerce Court, in its discretion, may restrain or suspend, in whole or in part, the operation of the commission's order pending the final hearing and determination of the suit. No order or injunction so restraining or suspending an order of the Interstate Commerce Commission shall be made by the Commerce Court otherwise than upon notice and after hearing, except that in cases where irreparable damage would otherwise ensue to the petitioner, said court, or a judge thereof, may, on hearing after not less than three days' notice to the Interstate Commerce Commission and the Attorney General, allow a temporary stay or suspension in whole or in part of the operation of the order of the Interstate Commerce Commission for not more than 60 days from the date of the order of such court or judge, pending application to the court for its order or injunction, in which case the said order shall contain a specific finding, based upon evidence submitted to the judge making the order and identified by reference thereto, that such irreparable damage would result to the petitioner and specifying the nature of the damage. The court may, at the time of hearing such application, upon a like finding, continue the temporary stay or suspension in whole or in part until its decision upon the application.

SEC. 202j. The jurisdiction of the Commerce Court shall be invoked by filing in the office of the clerk of the court a written petition setting forth briefly and succinctly the facts constituting the petitioner's cause of action and specifying the relief sought. A copy of such petition shall be forthwith served by the marshal or a deputy marshal of the Commerce Court or by the proper United States marshal or deputy marshal upon every defendant therein named, and when the United States is a party defendant, the service shall be made by filing a copy of said petition in the office of the Secretary of the Interstate Commerce Commission and in the Department of Justice. Within 30 days after the petition is served, unless that time is extended by order of the court or a judge thereof, an answer to the petition shall be filed in the clerk's office, and a copy thereof mailed to the petitioner's attorney, which answer shall briefly and categorically respond to the allegations of the petition. No replication need be filed to the answer, and objections to the sufficiency of the petition or answer as not setting forth a cause of action or defense must be taken at the final hearing or by motion to dismiss the petition based on said grounds, which motion may be made at any time before answer is filed. In case no answer shall be filed as provided herein the petitioner may apply to the court on notice for such relief as may be proper upon the facts alleged in the petition. The court may, by rule, prescribe the method of taking evidence in cases pending in said court, and may prescribe that the evidence be taken before a single judge of the court, with power to rule upon the admission of evidence. Except as may be otherwise provided in this chapter, or by rule of the court, the practice and procedure in the Commerce Court shall conform as nearly as may be to that in like cases in a district court of the United States.

SEC. 202k. A final judgment or decree of the commerce court may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court be taken by an aggrieved party within 60 days after the entry of said final judgment or decree. Such appeal may be taken in like manner as appeals from a district court of the United

States to the Supreme Court, and the Commerce Court may direct the original record to be transmitted on appeal instead of a transcript thereof. The Supreme Court may affirm, reverse, or modify the final judgment or decree of the Commerce Court as the case may require. Appeal to the Supreme Court, however, shall in no case supersede or stay the judgment or decree of the Commerce Court appealed from unless the Supreme Court or a justice thereof shall so direct; and appellant shall give bond in such form and of such amount as the Supreme Court, or the justice of that court allowing the stay, may require. An appeal may also be taken to the Supreme Court of the United States from an interlocutory order or decree of the Commerce Court granting or continuing an injunction restraining the enforcement of an order of the Interstate Commerce Commission, provided such appeal be taken within 30 days from the entry of such order or decree. Appeals to the Supreme Court under this section shall have priority in hearing and determination over all other causes except criminal causes in that court.

SEC. 202l. All cases and proceedings in the Commerce Court which but for this chapter would be brought by or against the Interstate Commerce Commission, shall be brought by or against the United States, and the United States may intervene in any case or proceeding in the commerce court whenever, though it has not been made a party, public interests are involved.

SEC. 202m. The Attorney General shall have charge and control of the interests of the Government in all cases and proceedings in the commerce court, and in the Supreme Court of the United States upon appeal from the Commerce Court. If in his opinion the public interest requires it, he may retain and employ in the name of the United States, within the appropriations from time to time made by the Congress for such purposes, such special attorneys and counselors at law as he may think necessary to assist in the discharge of any of the duties incumbent upon him and his subordinate attorneys; and the Attorney General shall stipulate with such special attorneys and counsel the amount of their compensation, which shall not be in excess of the sums appropriated therefor by Congress for such purposes, and shall have supervision of their action: *Provided*, That the Interstate Commerce Commission and any party or parties in interest to the proceeding before the commission, in which an order or requirement is made, may appear as parties thereto of their own motion and as of right, and be represented by their counsel, in any suit wherein is involved the validity of such order or requirement or any part thereof, and the interest of such party; and the court wherein is pending such suit may make all such rules and orders as to such appearances and representations, the number of counsel, and all matters of procedure, and otherwise, as to subserve the ends of justice and speed the determination of such suits: *Provided further*, That communities, associations, corporations, firms, and individuals who are interested in the controversy or question before the Interstate Commerce Commission, or in any suit which may be brought by anyone under the provisions of this chapter, or the acts of which it is amendatory or which are amendatory of it, relating to action of the Interstate Commerce Commission, may intervene in said suit or proceedings at any time after the institution thereof; and the Attorney General shall not dispose of or discontinue said suit or proceeding over the objection of such party or intervenor aforesaid, but said intervenor or intervenors may prosecute, defend, or continue said suit or proceeding unaffected by the action or nonaction of the Attorney General therein.

SEC. 202n. Complainants before the Interstate Commerce Commission interested in a case shall have the right to appear and be made parties to the case and be represented before the courts by counsel, under such regulations as are now permitted in similar circumstances under the rules and practice of equity courts of the United States.

SEC. 202o. Until the opening of the Commerce Court, all cases and proceedings of which from that time the Commerce Court is hereby given exclusive jurisdiction may be brought in the same courts and conducted in like manner and with like effect as is now provided by law; and if any such case or proceeding shall have gone to final judgment or decree before the opening of the Commerce Court, appeal may be taken from such final judgment or decree in like manner and with like effect as is now provided by law. Any such case or proceeding within the jurisdiction of the Commerce Court which may have been begun in any other court as hereby allowed, before the said date, shall be forthwith transferred to the Commerce Court, if it has not yet proceeded to final judgment or decree in such other court unless it has been finally submitted for the decision of such court, in which case the cause shall proceed in such court to final judgment or decree and further proceeding thereafter, and appeal may be taken direct to the Supreme Court; and if remanded, such cause may be sent back to the court from which the appeal was taken or to the Commerce Court for further proceeding as the Supreme Court shall direct. All previous proceedings in such transferred case shall stand and operate notwithstanding the transfer, subject to the same control over them by the Commerce Court and to the same right of subsequent action in the case or proceeding as if the transferred case or proceeding had been originally begun in the Commerce Court. The clerk of the court from which any case or proceeding is so transferred to the Commerce Court shall transmit to and file in the Commerce Court the originals of all papers filed in such case or proceeding and a certified transcript of all record entries in the case or proceeding up to the time of transfer.

Mr. BACON. I desire to inquire of the Senator from Idaho if he desires to go through with that particular branch to-day.

Mr. HEYBURN. This is an amendment that I imagine no one will offer any amendment to, because we enacted it only a short time ago.

Mr. BACON. That is the exact particular in which the Senator is mistaken. There are several amendments which are now being considered, not only by myself but by others. It has been some matter of discussion among members of the Judiciary Committee, I know, and there will be amendments offered to it. That is the reason why I made the inquiry of the Senator whether he desired to go on with that particular branch of it to-day. It is quite short, and its admission to-day will not involve any loss of time, so far as the reading is concerned, and possibly the amendments which may be offered, when they are offered, will not require very much time.

I will say very frankly to the Senator that some questions are being considered in reference to it upon which there has not yet

been reached a final conclusion, and I would be very glad, as other portions of the bill are to go over, if this also should be allowed to go over for that reason, and that alone.

Mr. HEYBURN. I should like to make this suggestion to the Senator. The object is to incorporate it into the bill at the proper place so the number of the chapters, the sections, and everything will constitute a complete bill when it is through. Now, of course, should the committee report or should Congress act before the final consideration and passage of the bill, everything that is done will be written into it as amendments. All the enactments of this session will necessarily be written into the bill at some time before the close of the session, because it is the purpose of the committee after they shall have obtained the consent of Congress to its passage, to then withhold it, so as to incorporate the legislation of the present Congress. That will commend itself, I think, to any Senator.

If we can be permitted to write into the bill now the law we have so recently passed, without any attempt to change it at all, and then let the changes come in, so to speak, before the door is closed against legislation upon the pending bill, it will enable us to make a very workmanlike job of it.

Mr. BACON. If I have understood the purpose of the Senator, it is to pass separate bills, each relating to the general subject of the structure of the judicial system, and afterwards to combine the whole of them.

Mr. HEYBURN. If the Senator will pardon me, the purpose is to pass the separate titles. For instance, the judiciary title will be introduced and passed as a single bill. It will not be divided up into different bills.

There are many titles comprising the Revised Statutes, and they will be introduced as separate bills. Then by one act they will be consolidated and denominated and given the character of a revision of the laws.

Mr. BACON. It is not the purpose, then, to make a separate enactment of each one of these chapters which are now under consideration?

Mr. HEYBURN. No; not at all. It is the purpose to confine the bills to the titles. This is the title "The Judiciary," and we passed this section.

Mr. BACON. I hold in my hand this bill, S. 7031, and that is a revision of the laws, "The Judiciary" title.

Mr. HEYBURN. That is, so far as that volume is concerned. That is volume 2.

Mr. BACON. Here is the bill which represents that.

Mr. HEYBURN. There will be a volume 3. It is divided up for the convenience of handling it here, but it has nothing to do with the structure of the legislation. When we have completed the consideration of that which we now have before the Senate, we shall present the remaining chapters. This title, of course, is divided into chapters. This constitutes practically all of it, or the great bulk of it; but there are some chapters relating to the clerks of the courts, district attorneys, and subjects like those which we thought we would hold back until we had agreed upon the general system of the structure of the law.

Mr. BACON. Mr. President, I am unfortunate in not entirely understanding the honorable Senator. I simply desire to ask him this question: This bill, No. 7031, is a bill denominated the revision of the laws, title "The Judiciary."

Mr. HEYBURN. Yes.

Mr. BACON. Now, that is proposed to be enacted as a separate statute, is it not?

Mr. HEYBURN. No; it will be enacted with the portions not included as amendments to it. That is not difficult to understand.

Mr. BACON. I am sorry to say that I do not understand the Senator.

Mr. HEYBURN. I have already given demonstrations of it to-day. I have secured the amendment of this bill by introducing new subjects which have since become legislation; they have become legislation since the original bill was printed. Before the close of this legislation the remaining chapters, which are not included in the print before the Senator from Georgia, will be offered as amendments. The work is progressing upon them now.

Mr. BACON. If the Senator will pardon me, this is a separate bill, is it not?

Mr. HEYBURN. No; it is only a part of a separate bill.

Mr. BACON. Is there another part?

Mr. HEYBURN. There will be another part in the shape of an amendment.

Mr. BACON. Is it proposed to enact this as a law now?

Mr. HEYBURN. And some more.

Mr. BACON. Mr. President, I am unfortunate. I can not make myself understood or the Senator can not make me understand, one or the other.

Mr. HEYBURN. I have no difficulty whatever in understanding the Senator.

Mr. BACON. I am sorry, because I am really a seeker after light, and I do not understand how separate bills can be enacted into law at the same time. I understand this to be a separate, substantive bill, and yet I gather from the statements of the Senator that it is to be incorporated with some other matters after it has been passed. I do not understand that method of procedure.

Mr. HEYBURN. I think I shall make myself understood now. I can do it. We shall proceed with the consideration of this subject, the judiciary, and when we have reached a point where it is evident that no more can be accomplished at this Congress we shall then close that legislation and that will conclude the bill. If we should be so unfortunate as not to have included the entire subject, we shall at another Congress take up the remainder of that title and endeavor to enact it into a separate bill. I hope we shall not be put to that alternative. I hope we shall have time at this Congress to enact everything that pertains to the judiciary title. I know we shall have if we can proceed along in an orderly manner, and I know that if we do not include all of the chapters which comprise that title Congress will not object to enacting as a law the chapters to which we have given consideration, leaving the unfinished part of the work to be covered by a subsequent bill. It seems to me that it is not necessary really at this time to consider that question, and that we had better spend our time considering the matters actually before us.

The Customs Court bill is a law enacted since the bill that we have under consideration was introduced in the Senate. It is properly an amendment to this bill. I have offered it as an amendment to the bill, and if we pass along with this work in a few minutes it will be a part of the bill by amendment.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

Mr. BACON. What is the amendment, Mr. President?

The PRESIDING OFFICER. Without objection, the Secretary will state the amendment.

The SECRETARY. It is proposed to add to the bill a new chapter, to be known as chapter 9, with the heading "Commerce Court."

Mr. BACON. Mr. President, I am not at this time prepared to accede to that amendment without certain amendments which I have stated to the Senator, but which, however, have not yet been matured.

Mr. HEYBURN. It is now open for amendment.

Mr. BACON. I am not now prepared to offer the amendments, Mr. President.

The PRESIDING OFFICER. What is the pleasure of the Senator from Georgia?

Mr. BACON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	Jones	Root
Bourne	Crane	Kean	Scott
Bradley	Crawford	Lodge	Smith, Md.
Brandeggee	Cullom	McCumber	Smith, Mich.
Briggs	Fletcher	Martin	Smith, S. C.
Bristow	Foster	Money	Smoot
Brown	Frye	Nelson	Sutherland
Bulkeley	Gallinger	Overman	Swanson
Burkett	Gamble	Page	Terrell
Burton	Hale	Percy	Thornton
Carter	Heyburn	Perkins	Tillman
Chamberlain	Johnston	Piles	Warren

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum is present. The question is on the adoption of the amendment offered by the Senator from Idaho [Mr. HEYBURN].

The amendment was agreed to.

The reading of the bill was resumed, on page 161, beginning with chapter 9, as follows:

CHAPTER 9. THE SUPREME COURT.

Sec. 203. Number of justices.	Sec. 213. Duties of the reporter.
204. Precedence of the Associate Justices.	214. Reporter's salary and allowances.
205. Vacancy in the office of Chief Justice.	215. Distribution of reports and digests.
206. Salaries of justices.	216. Additional reports and digests; limitation upon cost; estimates to be submitted to Congress annually.
207. Clerk, marshal, and reporter.	217. Terms.
208. The clerk to give bond.	218. Adournment for want of a quorum.
209. Deputies of the clerk.	219. Certain orders made by less than quorum.
210. Records of the old court of appeals.	
211. Tables of fees.	
212. Marshal of the Supreme Court.	

Sec.

220. Original disposition.
 221. Writs of prohibition and mandamus.
 222. Issues of fact.
 223. Appellate jurisdiction.
 224. Writs of error from judgments and decrees of State courts.
 225. Appeals and writs of error from United States district courts.
 226. Circuit court of appeals may certify questions to Supreme Court for instruction.
 227. Certiorari to circuit court of appeals.
 228. Appeals and writs of error in other cases.
 229. Appeals from Court of Claims.
 230. Time and manner of appeals from the Court of Claims.
 231. Writs of error and appeals from supreme court of and United States district court for Porto Rico.
 232. Writs of error and appeals from the supreme courts of Arizona and New Mexico.

SEC. 203. The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight Associate Justices, any six of whom shall constitute a quorum.

The section was agreed to.

The Secretary read section 204, as follows:

SEC. 204. The Associate Justices shall have precedence according to the dates of their commissions, or, when the commissions of two or more of them bear the same date, according to their ages.

The section was agreed to.

The Secretary read section 205, as follows:

SEC. 205. In case of a vacancy in the office of Chief Justice, or of his inability to perform the duties and powers of his office, they shall devolve upon the Associate Justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every Associate Justice who succeeds to the office of Chief Justice.

The section was agreed to.

The Secretary read section 206, as follows:

SEC. 206. [The Chief Justice of the Supreme Court of the United States shall receive the sum of \$13,000 a year, and the justices thereof shall receive the sum of \$12,500 a year each, to be paid monthly.]

The section was agreed to.

The Secretary read section 207, as follows:

SEC. 207. The Supreme Court shall have power to appoint a clerk and a marshal for said court, and a reporter of its decisions.

The section was agreed to.

The Secretary read section 208, as follows:

SEC. 208. [The clerk of the Supreme Court shall, before he enters upon the execution of his office, give bond, with sufficient sureties, to be approved by the court, to the United States, in the sum of not less than \$5,000 and not more than \$20,000, to be determined and regulated by the Attorney General, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court. The Supreme Court may at any time, upon the motion of the Attorney General, to be made upon 30 days' notice, require a new bond, or a bond for an increased amount within the limits above prescribed; and the failure of the clerk to execute the same shall vacate his office. All bonds given by the clerk shall, after approval, be recorded in his office, and copies thereof from the records, certified by the clerk under seal of the court, shall be competent evidence in any court. The original bonds shall be filed in the Department of Justice.]

The section was agreed to.

The Secretary read section 209, as follows:

SEC. 209. One or more deputies of the clerk of the Supreme Court may be appointed by the court on the application of the clerk and may be removed at the pleasure of the court. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk in his name until a clerk is appointed and qualified, and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties on his official bond shall be liable and his executor or administrator shall have such remedy for any such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

The section was agreed to.

The Secretary read section 210, as follows:

SEC. 210. The records and proceedings of the court of appeals, appointed previous to the adoption of the present Constitution, shall be kept in the office of the clerk of the Supreme Court, who shall give copies thereof to any person requiring and paying for them in the manner provided by law for giving copies of the records and proceedings of the Supreme Court, and such copies shall have like faith and credit with all other proceedings of said court.

The section was agreed to.

The Secretary read section 211, as follows:

SEC. 211. [The Supreme Court is authorized and empowered to prepare the tables of fees to be charged by the clerk thereof.]

The section was agreed to.

The Secretary read section 212, as follows:

SEC. 212. The marshal is entitled to receive a salary at the rate of \$3,500 a year. He shall attend the court at its sessions, shall serve and execute all process and orders issuing from it or made by the

Sec.

233. Writs of error and appeals from the supreme court of Hawaii.
 234. Appeals and writs of error from the district court for Alaska direct to Supreme Court in certain cases.
 235. Appeals and writs of error from the supreme court of the Philippine Islands.
 236. Appeals and writs of error when a Territory becomes a State.
 237. Appeals and writs of error from the court of appeals of the District of Columbia.
 238. Certiorari to court of appeals, District of Columbia.
 239. Appellate jurisdiction under the bankruptcy act.
 240. Precedence of writs of error to State courts.
 241. Cost of printing records.
 242. Women may be admitted to practice.

Chief Justice or an Associate Justice in pursuance of law, and shall take charge of all property of the United States used by the court or its members. With the approval of the Chief Justice he may appoint assistants and messengers to attend the court, with the compensation allowed to officers of the House of Representatives of similar grade.

The section was agreed to.

The Secretary read section 213, as follows:

SEC. 213. [The reporter shall cause the decisions of the Supreme Court to be printed and published within eight months after they are made; and within the same time he shall deliver 300 copies of the volumes of said reports to the Secretary of the Interior. The reporter shall, in any year when he is so directed by the court, cause to be printed and published a second volume of said decisions, of which he shall deliver a like number of copies in like manner and time.]

The section was agreed to.

The Secretary read section 214, as follows:

SEC. 214. [The reporter shall be entitled to receive from the Treasury an annual salary of \$4,500 when his report of said decisions constitutes one volume, and an additional sum of \$1,200 when, by direction of the court, he causes to be printed and published in any year a second volume; and said reporter shall be annually entitled to clerk hire in the sum of \$1,200, and to office rent, stationery, and contingent expenses in the sum of \$600: *Provided*, That the volumes of the decisions of the court after the 5th of August, 1882, shall be furnished by the reporter to the public at a sum not exceeding \$2 per volume, and the number of volumes now required to be delivered to the Secretary of the Interior shall be furnished by the reporter without any charge therefor. Said salary and compensation, respectively, shall be paid only when he causes such decisions to be printed, published, and delivered within the time and in the manner prescribed by law, and upon the condition that the volumes of said reports shall be sold by him to the public for a price not exceeding \$2 a volume.]

The section was agreed to.

The Secretary read section 215, as follows:

SEC. 215. The Secretary of the Interior shall distribute copies of the Supreme Court reports hereafter published, as follows: To the President, the justices of the Supreme Court, the judges of the circuit courts of appeals, the judges of the district courts, the judges of the Court of Claims, the judges of the court of appeals and of the supreme court of the District of Columbia, the judges of the several Territorial courts, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce and Labor, the Solicitor General, the Assistant Secretary of each Executive department, the Assistant Postmaster General, the Secretary of the Senate for the use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives, the governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Register of the Treasury, the Comptroller of the Treasury, the Comptroller of the Currency, the Commissioner of Internal Revenue, the Director of the Mint, each of the six Auditors in the Treasury Department, the Judge Advocate General, War Department, the Paymaster General, War Department, the Judge Advocate General, Navy Department, the Commissioner of Indian Affairs, the Commissioner of Pensions, the Commissioner of the General Land Office, the Commissioner of Patents, the Commissioner of Education, the Commissioner of Labor, the Commissioner of Navigation, the Commissioner of Corporations, the Commissioner General of Immigration, the Chief of the Bureau of Manufactures, the Director of the Geological Survey, the Director of the Census, the Forester, Department of Agriculture, the Purchasing Agent, Post Office Department, the Interstate Commerce Commission, the clerk of the Supreme Court of the United States, the marshal of the Supreme Court of the United States, the attorney for the District of Columbia, the Naval Academy at Annapolis, the Military Academy at West Point, and the heads of such other executive offices as may be provided by law, of equal grade with any of said offices, each 1 copy; to the law library of the Supreme Court, 25 copies; to the law library of the Department of the Interior, 2 copies; to the law library of the Department of Justice, 2 copies; to the Secretary of the Senate for the use of the committees of the Senate, 20 copies; to the Clerk of the House of Representatives for the use of the committees of the House, 22 copies; to the marshal of the Supreme Court of the United States, as custodian of the public property used by the court, for the use of the justices thereof in the conference room, robing room, and court room, 3 copies; to the Secretary of War for the use of the proper courts and officers of the Philippine Islands and for the headquarters of military departments in the United States, 12 copies; and to each of the places where district courts of the United States are now holden, including Hawaii and Porto Rico, 1 copy. He shall also distribute to each additional United States judge hereafter appointed, and to each place where a new district court may hereafter be established, 1 complete set of said reports, the judge holding such courts to select the edition of said reports. He shall also distribute to each United States judge hereafter appointed, to each place where a new district court may hereafter be established, and to each office hereafter created, to which the decisions of the Supreme Court are sent under the provisions of this section, a copy of such digest of such reports as the several judges and officers shall respectively select. No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of said courts (except the Supreme Court) shall in all cases keep said reports and digests for the use of the courts and of the officers thereof. Such reports and digests shall remain the property of the United States, and shall be preserved by the officers above named and by them turned over to their successors in office.

Mr. HEYBURN. I ask that section 215 be passed over.

The PRESIDING OFFICER. The Senator from Idaho asks that section 215 be passed over. Is there objection? The Chair hears none, and the section goes over.

The Secretary read section 216, as follows:

SEC. 216. [The publishers of the decisions of the Supreme Court shall deliver to the Secretary of the Interior, in addition to the 300 copies delivered by the Reporter, such number of copies of each report heretofore or hereafter published, as the Secretary may require, for which he

shall pay not more than \$2 per volume. Not more than \$26 per set shall be paid for the digest required for distribution under the section last preceding. The Secretary of the Interior shall include in his annual estimates submitted to Congress, an estimate for the current volumes of such reports, and also for the additional sets of reports and digests required for distribution under the section last preceding.]

The section was agreed to.

The Secretary read section 217, as follows:

SEC. 217. [The Supreme Court shall hold at the seat of government, one term annually, commencing on the second Monday in October, and such adjourned or special terms as it may find necessary for the dispatch of business.]

The section was agreed to.

The Secretary read section 218, as follows:

SEC. 218. If, at any session of the Supreme Court, a quorum does not attend on the day appointed for holding it, the justices who do attend may adjourn the court from day to day for 20 days after said appointed time, unless there be sooner a quorum. If a quorum does not attend within said 20 days, the business of the court shall be continued over till the next appointed session; and if, during a term, after a quorum has assembled, less than that number attend on any day, the justices attending may adjourn the court from day to day until there is a quorum, or may adjourn without day.

The section was agreed to.

The Secretary read section 219, as follows:

SEC. 219. The justices attending at any term when less than a quorum is present may, within the 20 days mentioned in the preceding section, make all necessary orders touching any suit, proceeding, or process, depending in or returned to the court, preparatory to the hearing, trial, or decision thereof.

The section was agreed to.

The Secretary read section 220, as follows:

SEC. 220. The Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens, in which latter cases it shall have original, but not exclusive, jurisdiction. And it shall have exclusively all such jurisdiction of suits or proceedings against ambassadors or other public ministers, or their domestics or domestic servants, as a court of law can have consistently with the law of nations; and original, but not exclusive, jurisdiction of all suits brought by ambassadors or other public ministers, or in which a consul or vice consul is a party.

The section was agreed to.

The Secretary read section 221, as follows:

SEC. 221. The Supreme Court shall have power to issue writs of prohibition to the district courts when proceeding as courts of admiralty and maritime jurisdiction, and writs of mandamus, in cases warranted by the principles and usages of law, to any courts appointed under the authority of the United States or to persons holding office under the authority of the United States where a State or an ambassador or other public minister or a consul or vice consul is a party.

The section was agreed to.

The Secretary read section 222, as follows:

SEC. 222. The trial of issues of fact in the Supreme Court in all actions at law against citizens of the United States shall be by jury.

The section was agreed to.

The Secretary read section 223, as follows:

SEC. 223. The Supreme Court shall have appellate jurisdiction in the cases hereinafter specially provided for.

The section was agreed to.

The Secretary read section 224, as follows:

SEC. 224. A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States, and the decision is against the title, right, privilege, or immunity especially set up or claimed, by either party, under such Constitution, treaty, statute, commission, or authority, may be reexamined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, at their discretion, award execution or remand the same to the court from which it was removed by the writ.

The section was agreed to.

The Secretary read section 225, as follows:

SEC. 225. [Appeals and writs of error may be taken from the district courts, including the United States district court for Hawaii, direct to the Supreme Court in the following cases: In any case in which the jurisdiction of the court is in issue, in which case the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision; from the final sentences and decrees in prize causes; in any case that involves the construction or application of the Constitution of the United States; in any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority is drawn in question; and in any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States.]

Mr. ROOT. Mr. President, does not the form of section 225 involve the question which, as I understand, has been passed over, namely, the merger of the circuit and district courts? If so, I think the section had better be passed over also.

Mr. HEYBURN. Mr. President, the language of this bill has been fitted to the proposed change, with the understanding that,

should that part of the bill not become a law, it would be adjusted to the ordinary language as though both courts were retained.

Mr. ROOT. That is entirely satisfactory.

Mr. HEYBURN. That is the purpose. It is merely a matter of the form which shall be used, which will be covered ultimately by the final action of Congress.

Mr. ROOT. While I am up, Mr. President, may I make a suggestion? This bill has been considered at many different times, and probably very few Members of the Senate have been here all the time. I think it would be very useful for us if the clerk of the committee would make up, and if we could have printed, a memorandum showing what disposition has been made thus far of the different sections of the bill—what have been adopted and what have been passed over—so that we can examine it and mark our copies of the bill. At present I am quite in the dark about many parts of the bill—as to what has been done with them.

Mr. HEYBURN. Mr. President, that is a good suggestion, and we are in a position to have it done readily, and will have it done. The copy of the bill that I use is marked so as to show just what has been done with each section.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent—

Mr. ROOT. I do not know whether it is necessary to do that; but, if so, I will ask unanimous consent that such a memorandum be printed.

Mr. HEYBURN. I think we shall be entirely justified in having a reprint to-day, because we are within a few pages of the end of the bill. With the exception of those sections that have been carried over, it will be a very complete showing as to just what we have accomplished. I think we would like to go through the bill first, and then, before it goes into the Senate from the committee, or before we take up the consideration of the reserved questions, I think it would be very well to have a reprint of the bill.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent—

Mr. HEYBURN. I will ask unanimous consent at the time when we shall have gone through this bill completely. I will not now ask unanimous consent.

The PRESIDING OFFICER. The question is on the adoption of section 225.

The section was agreed to.

The Secretary read section 226, as follows:

SEC. 226. [In any case within its appellate jurisdiction, as defined in section 127, the circuit court of appeals at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for its proper decision; and thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon the circuit court of appeals in such case, or it may require that the whole record and cause be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal.]

The section was agreed to.

The Secretary read section 227, as follows:

SEC. 227. [In any case in which the judgment or decree of the circuit court of appeals is made final by the provisions of this title, it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.]

The section was agreed to.

The Secretary read section 228, as follows:

SEC. 228. [In any case in which the judgment or decree of the circuit court of appeals is not made final by the provisions of this title, there shall be of right an appeal or writ of error to the Supreme Court of the United States where the matter in controversy shall exceed \$1,000, besides costs.]

The section was agreed to.

The Secretary read section 229, as follows:

SEC. 229. An appeal to the Supreme Court shall be allowed on behalf of the United States from all judgments of the Court of Claims adverse to the United States, and on behalf of the plaintiff in any case where the amount in controversy exceeds \$3,000, or where his claim is forfeited to the United States by the judgment of said court as provided in section 176.

Mr. ROOT. Mr. President, I should like to have section 229 passed over.

Mr. HEYBURN. Section 229.

Mr. ROOT. Yes; relating to appeals to the Supreme Court from judgments of the Court of Claims.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that section 229 be passed over.

Mr. HEYBURN. There is no objection to passing that section over.

The PRESIDING OFFICER. The Chair hears no objection. Mr. ROOT. I did not observe that section 225 was being acted on.

The PRESIDING OFFICER. Section 225 has been acted on.

Mr. ROOT. I move to reconsider the vote by which section 225 was agreed to, and I ask that it be passed over.

The PRESIDING OFFICER. Unless there be objection, the Chair will resubmit the question on section 225.

Mr. ROOT. I will say to the chairman of the committee that my object is to satisfy myself as to whether there has been full consideration given to the question whether there might not very well be a change in the law so as to reduce somewhat the burden of the Supreme Court.

Mr. HEYBURN. Has the Senator the report on section 225?

Mr. ROOT. I suppose so; but I have not an opportunity to read it at this time.

Mr. HEYBURN. If the Senator will give me his attention, I will read it. It is as follows:

Section 225: Section 86 of the organic act for Hawaii, as last amended (Mar. 3, 1909; 35 Stat., 838), authorizes the taking of appeals and writs of error from the United States district court for that Territory direct to the Supreme Court, in the same manner and in the same classes of cases as from a circuit or district court of the United States. For this reason the district court for Hawaii is included with the district courts. It is specially mentioned from the fact that while it is called a United States district court, it is not a constitutional court. The special reference is to remove any doubt as to its inclusion.

Outside of that change the section is existing law. Of course, I have no objection to the matter going over on the suggestion of the Senator from New York.

The PRESIDING OFFICER. Section 225 will go over at the request of the Senator from New York.

Mr. HEYBURN. And section 229.

The PRESIDING OFFICER. And section 229 will go over upon the request of the Senator from New York.

The Secretary read section 230, as follows:

SEC. 230. All appeals from the Court of Claims shall be taken within 90 days after the judgment is rendered, and shall be allowed under such regulations as the Supreme Court may direct.

The section was agreed to.

The Secretary read section 231, as follows:

SEC. 231. Writs of error and appeals from the final judgments and decrees of the supreme court of, and the United States district court for, Porto Rico, may be taken and prosecuted to the Supreme Court of the United States in any case wherein is involved the validity of any copyright, or in which is drawn in question the validity of a treaty or statute of, or authority exercised under, the United States, or wherein the Constitution of the United States, or a treaty thereof, or an act of Congress is brought in question and the right claimant thereunder is denied, without regard to the sum or value of the matter in dispute; and in all other cases in which the sum or value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of \$5,000. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken to the Supreme Court of the United States under the next succeeding section.

Mr. ROOT. I think the same disposition should be made of that section. It comes under the same class.

The PRESIDING OFFICER. The Senator from New York requests that section 231 be passed over. Unless there be objection, that course will be taken.

Mr. HEYBURN. That does not include section 230?

The PRESIDING OFFICER. No; it does not.

The Secretary read section 232, as follows:

SEC. 232. [Writs of error and appeals from the final judgments and decrees of the supreme courts of the Territories of Arizona and New Mexico may be taken and prosecuted to the Supreme Court of the United States in any case wherein is involved the validity of any copyright, or in which is drawn in question the validity of a treaty or statute of, or authority exercised under, the United States, without regard to the sum or value of the matter in dispute; and in all other cases in which the sum or value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of \$5,000.]

The section was agreed to.

The Secretary read section 233, as follows:

SEC. 233. Writs of error and appeals from the final judgments and decrees of the supreme court of the Territory of Hawaii may be taken and prosecuted to the Supreme Court of the United States, within the same time, in the same manner, under the same regulations, and in the same classes of cases, in which writs of error and appeals from the final judgments and decrees of the highest court of a State in which a decision in a suit could be had, may be taken and prosecuted to the Supreme Court of the United States under the provisions of section 225; and also in all cases wherein the amount involved, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of \$5,000.

The section was agreed to.

The Secretary read section 234, as follows:

SEC. 234. [Appeals and writs of error may be taken and prosecuted from final judgments and decrees of the district court for the District of Alaska or for any division thereof, direct to the Supreme Court of the United States, in the following cases: In prize cases and in all cases

which involve the construction or application of the Constitution of the United States or in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question, or in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken from the district courts to the Supreme Court.

Mr. ROOT. I think that section should go over also, Mr. President.

The PRESIDING OFFICER. The Senator from New York requests that section 234 be passed over. That course will be taken unless there be objection.

The Secretary read section 235, as follows:

SEC. 235. The Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the supreme court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby, in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value in controversy exceeds \$25,000, or in which the title or possession of real estate exceeding in value the sum of \$25,000, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court on appeal or writ of error by the party aggrieved, within the same time, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the district courts of the United States.

Mr. ROOT. I should like to have that section go over, Mr. President.

The PRESIDING OFFICER. The Senator from New York requests that section 235 be passed over. That course will be taken, unless there be objection.

The Secretary read as follows:

SEC. 236. In all cases where the judgment or decree of any court of a Territory might be reviewed by the Supreme Court on writ of error or appeal, such writ of error or appeal may be taken, within the time and in the manner provided by law, notwithstanding such Territory has, after such judgment or decree, been admitted as a State; and the Supreme Court shall direct the mandate to such court as the nature of the writ of error or appeal requires.

The PRESIDING OFFICER. Without objection, the section will be adopted.

The Secretary read as follows:

SEC. 237. [Any final judgment or decree of the Court of Appeals of the District of Columbia may be re-examined and affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal, in all cases in which the matter in dispute, exclusive of costs, shall exceed the sum of \$5,000; and also in cases, without regard to the sum or value of the matter in dispute, wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations, as appeals and writs of error are taken from the circuit courts of appeals to the Supreme Court of the United States.]

Mr. ROOT. I ask to have that go over.

The PRESIDING OFFICER. The Senator from New York requests that section 237 be passed over. That course will be taken unless there is objection.

The Secretary read as follows:

SEC. 238. [In any case made final in the court of appeals of the District of Columbia it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any such case to be certified to it for its review and determination, with the same power and authority in the case as if it had been carried to said court by appeal or writ of error.]

The PRESIDING OFFICER. Without objection, the section will be adopted.

The Secretary read as follows:

SEC. 239. The Supreme Court of the United States is hereby invested with appellate jurisdiction of controversies arising in bankruptcy proceedings, from the courts of bankruptcy, from which it has appellate jurisdiction in other cases; and shall exercise a like jurisdiction from courts of bankruptcy not within any organized circuit of the United States and from the supreme court of the District of Columbia.

An appeal may be taken to the Supreme Court of the United States from any final decision of a circuit court allowing or rejecting a claim under the laws relating to bankruptcy, under such rules and within such time as may be prescribed by said Supreme Court, in the following cases and no other:

1. Where the amount in controversy exceeds the sum of \$2,000, and the question involved is one which might have been taken on appeal or writ of error from the highest court of a State to the Supreme Court of the United States; or

2. Where some justice of the Supreme Court shall certify that in his opinion the determination of the question involved in the allowance or rejection of such claim is essential to a uniform construction of the laws relating to bankruptcy throughout the United States.

Controversies may be certified to the Supreme Court of the United States from other courts of the United States, and the former court may exercise jurisdiction thereof, and may issue writs of certiorari pursuant to the provisions of the United States laws now in force or such as may be hereafter enacted.

Mr. HEYBURN. I suggest that in line 22, page 178, the words "a circuit court" be stricken out and the words "a court of appeals" be inserted. That is the intention of the act, and the

limitation to the circuit court does not meet with the existing provision.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Without objection the section as amended is adopted.

The Secretary read as follows:

SEC. 240. Cases on writ of error to revise the judgment of a State court in any criminal case shall have precedence on the docket of the Supreme Court of all cases to which the Government of the United States is not a party, excepting only such cases as the court, in its discretion, may decide to be of public importance.

The PRESIDING OFFICER. Without objection, the section will be adopted.

The Secretary read as follows:

SEC. 241. [There shall be taxed against the losing party in each and every cause pending in the Supreme Court the cost of printing the record in such case, except when the judgment is against the United States.]

The PRESIDING OFFICER. Without objection, the section will be adopted.

The Secretary read as follows:

SEC. 242. Any woman who shall have been a member of the bar of the highest court of any State or Territory, or of the Supreme Court of the District of Columbia, for the space of three years, and shall have maintained a good standing before such court, and who shall be a person of good moral character, shall, on motion, and the production of such record, be admitted to practice before the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, the section will be adopted.

Mr. HEYBURN. I now ask that the bill be laid aside for the day.

The PRESIDING OFFICER. Without objection, the bill will be laid aside at the request of the Senator from Idaho.

INTERIOR DEPARTMENT AND FOREST SERVICE.

Mr. FLETCHER. Mr. President, I wish to announce that on Thursday morning next, immediately after the close of the routine morning business, I shall submit some remarks upon the resolution submitted to-day by the junior Senator from North Dakota [Mr. PURCELL].

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 43 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, January 17, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 16, 1911.

PENSION AGENT.

John R. King, of Maryland, to be pension agent at Washington, D. C., his term expiring January 15, 1911. (Reappointment.)

PROMOTION IN THE ARMY.

Brig. Gen. Charles L. Hodges, United States Army, to be major general from January 14, 1911, vice Maj. Gen. William P. Duwall, retired from active service January 13, 1911.

PROMOTION IN THE NAVY.

Capt. Walter C. Cowles to be a rear admiral in the Navy from the 14th day of January, 1911, vice Rear Admiral Edward B. Barry, retired.

POSTMASTERS.

ARKANSAS.

Charles T. Bloodworth to be postmaster at Corning, Ark., in place of John A. Dudgeon. Incumbent's commission expired December 19, 1910.

Joel A. Harper to be postmaster at Rector, Ark., in place of Joel A. Harper. Incumbent's commission expired December 6, 1910.

J. E. Herren to be postmaster at Portland, Ark., in place of William E. Edmiston. Incumbent's commission expires January 31, 1911.

Laura C. Hutton to be postmaster at Sulphur Springs, Ark. Office became presidential July 1, 1910.

Alexander Jackson to be postmaster at Hoxie, Ark., in place of Alexander Jackson. Incumbent's commission expires January 22, 1911.

Samuel Mullen to be postmaster at Ozark, Ark., in place of William C. Bill. Incumbent's commission expired December 19, 1910.

Robert C. Vance to be postmaster at Benton, Ark., in place of Robert C. Vance. Incumbent's commission expires January 22, 1911.

Frank Weldin to be postmaster at Piggott, Ark., in place of Tellie J. Bruce. Incumbent's commission expired December 6, 1910.

CONNECTICUT.

Charles W. Munsinger to be postmaster at Coscob, Conn., in place of Charles W. Munsinger. Incumbent's commission expired December 13, 1910.

GEORGIA.

St. James B. Alexander to be postmaster at Reidsville, Ga. Office became presidential January 1, 1911.

Julien V. Frederick to be postmaster at Marshallville, Ga. Office became presidential October 1, 1910.

ILLINOIS.

Abraham L. Coyle to be postmaster at Gridley, Ill., in place of Abraham L. Coyle. Incumbent's commission expired January 9, 1911.

J. Agnes Olson to be postmaster at Shabbona, Ill. Office became presidential July 1, 1910.

David C. Swanson to be postmaster at Paxton, Ill., in place of David C. Swanson. Incumbent's commission expires January 31, 1911.

INDIANA.

Peter H. Zehrung to be postmaster at Cambridge City, Ind., in place of Omer Guyton. Incumbent's commission expired December 13, 1910.

IOWA.

William H. Bowman to be postmaster at Victor, Iowa, in place of Emily L. Kerr. Incumbent's commission expired January 10, 1911.

KANSAS.

James S. Alexander to be postmaster at Florence, Kans., in place of James S. Alexander. Incumbent's commission expires January 30, 1911.

W. I. Biddle to be postmaster at Leavenworth, Kans., in place of Fred. W. Willard. Incumbent's commission expires February 20, 1911.

Jacob B. Callen to be postmaster at Junction City, Kans., in place of Jacob B. Callen. Incumbent's commission expired December 13, 1910.

Connie Collins to be postmaster at Barnes, Kans. Office became presidential January 1, 1911.

Thomas W. Dare to be postmaster at Gardner, Kans., in place of Thomas W. Dare. Incumbent's commission expired January 10, 1911.

John A. Davidson to be postmaster at White City, Kans., in place of John A. Davidson. Incumbent's commission expired December 10, 1910.

William Freeburg to be postmaster at Courtland, Kans. Office became presidential January 1, 1911.

Horace C. Lathrop to be postmaster at Blue Rapids, Kans., in place of John McPherson. Incumbent's commission expired May 4, 1910.

KENTUCKY.

Smith Rogers to be postmaster at Corydon, Ky. Office became presidential January 1, 1911.

MAINE.

Frank L. Averill to be postmaster at Oldtown, Me., in place of Frank L. Averill. Incumbent's commission expires January 18, 1911.

Charles F. Hammond to be postmaster at Van Buren, Me., in place of Charles F. Hammond. Incumbent's commission expired January 10, 1911.

MASSACHUSETTS.

Fred A. Tower to be postmaster at Concord, Mass., in place of Fred A. Tower. Incumbent's commission expired January 7, 1911.

MICHIGAN.

Henry J. Horrigan to be postmaster at Iona, Mich., in place of Kimbal R. Smith. Incumbent's commission expired March 14, 1910.

Philip P. Schnorbach to be postmaster at Muskegon, Mich., in place of Philip P. Schnorbach. Incumbent's commission expired January 10, 1911.

MINNESOTA.

Alfred J. Gebhard to be postmaster at Lamberton, Minn., in place of Alfred J. Gebhard. Incumbent's commission expires January 31, 1911.

Francis S. Pollard to be postmaster at Morgan, Minn. Office became presidential January 1, 1911.

MISSOURI.

Archie T. Hollenbeck to be postmaster at Westplains, Mo., in place of Archie T. Hollenbeck. Incumbent's commission expires March 2, 1911.

NEBRASKA.

Orrin Peck to be postmaster at Palmer, Nebr. Office became presidential January 1, 1911.

Isaac A. Royer to be postmaster at Hardy, Nebr. Office became presidential January 1, 1911.

NEW HAMPSHIRE.

Thomas B. Moore to be postmaster at Lincoln, N. H., in place of Thomas B. Moore. Incumbent's commission expired January 7, 1911.

NEW YORK.

Augustus F. Allen to be postmaster at Jamestown, N. Y., in place of James T. Larmonth. Incumbent's commission expired May 28, 1910.

George Anderson to be postmaster at Castleton, N. Y., in place of George Anderson. Incumbent's commission expired January 12, 1911.

Mary L. McRoberts to be postmaster at Tompkinsville, N. Y., in place of Mary L. McRoberts. Incumbent's commission expired January 10, 1911.

Frank R. Utter to be postmaster at Friendship, N. Y., in place of Frank R. Utter. Incumbent's commission expires January 30, 1911.

NORTH CAROLINA.

Edward M. Linville to be postmaster at Kernersville, N. C., in place of Branson R. Beeson. Incumbent's commission expired June 1, 1910.

OHIO.

Augustus M. Barker to be postmaster at Rock Creek, Ohio. Office became presidential January 1, 1911.

OKLAHOMA.

Peter J. Becker to be postmaster at Okemah, Okla., in place of Lura M. Allen. Incumbent's commission expired December 10, 1910.

PENNSYLVANIA.

H. B. Calderwood to be postmaster at Tyrone, Pa., in place of John G. McCamant. Incumbent's commission expires January 22, 1911.

Alfred W. Christy to be postmaster at Slippery Rock, Pa., in place of Alfred W. Christy. Incumbent's commission expires January 18, 1911.

Eli P. Clifton to be postmaster at Vanderbilt, Pa. Office became presidential January 1, 1911.

Samuel J. Evans to be postmaster at Slatington, Pa., in place of Samuel J. Evans. Incumbent's commission expires February 21, 1911.

Luther P. Ross to be postmaster at Saxton, Pa., in place of Luther P. Ross. Incumbent's commission expires January 29, 1911.

William C. Shiffer to be postmaster at Exedit, Pa. Office became presidential January 1, 1911.

William S. Stickel to be postmaster at Perryopolis, Pa. Office became presidential January 1, 1911.

Harry H. Sweeney to be postmaster at Houtzdale, Pa., in place of Richard M. Hunt. Incumbent's commission expired May 7, 1910.

Luna C. Virgin to be postmaster at Hollsopple, Pa. Office became presidential January 1, 1911.

SOUTH DAKOTA.

Bertha M. Howard to be postmaster at Onida, S. Dak. Office became presidential January 1, 1911.

WISCONSIN.

Morris F. Barteau to be postmaster at Appleton, Wis., in place of Morris F. Barteau. Incumbent's commission expired January 10, 1911.

Lawrence Barrett to be postmaster at Peshtigo, Wis., in place of William F. Bishop. Incumbent's commission expired February 28, 1910.

Lorenz C. Fensel to be postmaster at Kewaunee, Wis., in place of Joseph J. Schultz. Incumbent's commission expired February 7, 1910.

Joseph Henquinet to be postmaster at Algoma, Wis., in place of William White. Incumbent's commission expires February 4, 1911.

Richard Koebke to be postmaster at Antigo, Wis., in place of Edward Cleary. Incumbent's commission expired February 27, 1910.

Calvin A. Lewis to be postmaster at Sun Prairie, Wis., in place of Calvin A. Lewis. Incumbent's commission expires January 31, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 16, 1911.

COLLECTORS OF CUSTOMS.

William H. Daniels to be collector of customs for the district of Oswegatchie, N. Y.

J. Rice Winchell to be collector of customs for the district of New Haven, Conn.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF PORTO RICO.

Pedro De Aldrey to be associate justice of the supreme court of Porto Rico.

PROMOTIONS IN THE NAVY.

Lieut. George T. Pettengill to be a lieutenant commander.

Lieut. (Junior Grade) William T. Lightle to be a lieutenant.

Passed Asst. Paymaster William C. Fite to be a paymaster.

Passed Asst. Paymaster James A. Bull to be a paymaster.

Asst. Surg. Charles J. Holeman to be a passed assistant surgeon.

The following-named citizens to be assistant surgeons:

Chester McL. George, and

Luther Sheldon, jr.

Le Roy N. Taylor to be a chaplain.

Boatswain Andrew Madsen to be a chief boatswain.

Machinist Arthur T. Percival to be a chief machinist.

Maj. Charles J. Long to be a lieutenant colonel in the Marine Corps.

Ensign Ernest Durr to be a lieutenant (junior grade).

Lieut. (Junior Grade) Ernest Durr to be a lieutenant.

Asst. Surg. Harry A. Garrison to be a passed assistant surgeon.

Asst. Paymaster Thomas P. Ballenger to be a passed assistant paymaster.

Robert W. Clark to be an assistant paymaster.

The following-named midshipmen to be ensigns:

Frederick H. Babcock.

Walter Smith.

George H. Emmerson.

John A. Nelson.

James L. Kauffman.

Robert A. Burg.

William D. Brereton, jr.

William R. Munroe.

Greer A. Duncan.

Arthur S. Carpenter.

Jules James.

Howard B. Mcleary.

Charles L. Best.

Lloyd C. Stark.

Eddie J. Estess.

James D. Moore.

David F. Ducey.

Donald T. Hunter.

Edwin Guthrie.

James D. Smith.

Joseph B. Clark.

Kenneth Heron.

Samuel S. Payne.

Allan G. Olson.

Herbert B. Labhardt.

Leland Jordan, jr.

Edward G. Blakeslee.

Worrall R. Carter.

John C. Jennings.

Henry B. Le Bourgeois.

Laurance S. Stewart,
Robert E. Rogers,
Franklin P. Conger,
Aquilla G. Dibrell,

POSTMASTERS.

ARIZONA.

Martin A. Crouse, Holbrook.

ARKANSAS.

Clyde H. Dickinson, Ashdown,
Carl O. Freeman, Berryville,
Edward Hall, Stuttgart,
Oliver A. Hill, Hartford,
S. A. Isaminger, Black Rock,
John L. Smith, Van Buren,
W. E. Witter, Des Arc.

CALIFORNIA.

Alonzo Bradford, Hayward (late Haywards).

CONNECTICUT.

Asa E. S. Bush, Niantic.
James Graham, Taftville.

ILLINOIS.

Frank Brusor, New Boston,
Charles D. Clark, Utica.
Theodore Disosway, Henry.
Eugene A. Hall, Oquawka.
Mary E. Hall, Wyand.
Harry M. Martin, Shelbyville.
Charles S. Randolph, Ipava.
Ulysses G. Richardson, St. Joseph.
B. A. Schudel, Macon.
Ulysses E. Smith, Metropolis.
Gaither C. Walser, West Salem.

MARYLAND.

William B. Coleman, Chesapeake City.

MASSACHUSETTS.

Fred H. Torrey, Groton.

MICHIGAN.

Arthur R. Babcock, West Branch.
James L. Campbell, Barryton.
Grant M. Morse, Portland.

MINNESOTA.

Peter H. Hanson, Lake Park.

MISSOURI.

Ulysses Grant Evans, Farmington.

NEW YORK.

Fred E. Allen, Whitney Point.
Sidney B. Cloyes, Earlville.
David A. Doyle, Katonah.
Thomas A. Gibson, Cape Vincent.
Frank W. Higgins, Wellsville.
John F. Kelly, Kings Park.
George L. Nichol, West New Brighton.
John A. Raser, Harrison.
Winfield S. Vandewater, Cedarhurst.
Edward Williams, Granville.
Frank D. Wood, Bergen.

OREGON.

Thomas L. Ambler, Mount Angel.
Fred W. Cady, Beaverton.
J. E. Holstrom, Shaniko.
Adam H. Knight, Canby.
George H. Letellier, Mill City.
Elmer F. Russell, North Bend.
Charles M. Smith, Jefferson.
Edward D. Starr, Brownsville.
Arlington B. Watt, Amity.
Hugh O. Worthington, Athena.

PENNSYLVANIA.

O. S. Gahagan, Mount Jewett.
Charles A. Passmore, Gap.

HOUSE OF REPRESENTATIVES.

MONDAY, January 16, 1911.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Saturday, January 14, 1911, was read and approved.

APPORTIONMENT OF REPRESENTATIVES.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent to have printed in the Record, for the information of the House, two important amendments to the bill for the apportionment of Representatives under the Thirteenth Decennial Census (H. R. 30566) authorized by the Committee on the Census.

The SPEAKER. The gentleman from Indiana asks unanimous consent to print in the Record two amendments which are proposed to be made to the bill stated by him, on the consideration of that bill, for the information of the House. Is there objection?

Mr. HARDWICK. I do not want to object—

Mr. MANN. Reserving the right to object, I would like to ask the gentleman if he will not also ask unanimous consent to have those amendments printed in bill form, so that they will be accessible to Members. This is a very important matter.

Mr. CRUMPACKER. I have no objection to incorporating the request of the gentleman from Illinois, that the proposed amendment be also printed in bill form.

The SPEAKER. Is there objection to the request as modified?

There was no objection.

The proposed amendments are as follows:

Strike out section 2 of H. R. 30566 and substitute the following:

"Sec. 2. That if the Territories of Arizona and New Mexico shall become States in the Union before the apportionment of Representatives under the next decennial census, they shall have one Representative each; and if one of such Territories shall so become a State, such State shall have one Representative, which Representative or Representatives shall be in addition to the number 433, as provided in section 1 of this act; and all laws and parts of laws in conflict with this section are to that extent hereby repealed."

Insert after section 2 the following as a new section:

"That as soon as the fourteenth and each subsequent decennial census of the population of the several States, as required by the Constitution, shall have been completed and returned to the Department of Commerce and Labor, it shall be the duty of the Secretary of said department to ascertain the aggregate population of all the States and of each State separately, excluding Indians not taxed, which aggregate population he shall divide by the number 430, and the product of such division, excluding any fraction of a unit that may happen to remain, shall be the ratio of apportionment of Representatives among the several States under such census; and the Secretary of said department shall then proceed to divide the total representative population of each State by the ratio so determined, and each State shall be assigned one Representative for each full ratio of population therein and an additional Representative for any fraction equal to or greater than a moiety of such ratio, but in no case shall a Representative be assigned for a fraction less than a moiety of such ratio, and each State shall have at least one Representative; and the aggregate number of Representatives so assigned to the States shall constitute the total membership of the House of Representatives under such census; and as soon as practicable after the Secretary of said department shall have ascertained the number of Representatives to which each State is entitled under any decennial census, in the manner herein provided, he shall make out and transmit to the House of Representatives a certificate of the number of Representatives so apportioned to each State, and he shall likewise make out and transmit without delay to the executive of each State a certificate of the number of Representatives apportioned to such State."

LEAVE TO PRINT.

Mr. HARDWICK. I ask unanimous consent that there be printed in the Record, but not read, a memorial that I hold in my hand from the Farmers' Union of America in favor of the election of United States Senators by direct vote of the people.

Mr. DWIGHT. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. PAYNE. I hope the gentleman from Georgia will understand that there is nothing personal in my objection, because I have objected heretofore to the printing of any memorial whatever in the Record. There is no use of printing this memorial in the Record, because the House has already three or four times by almost unanimous vote passed the proposition to which it refers. Therefore I object to printing it in the Record.

Mr. HARDWICK. I ask unanimous consent to extend my remarks in the Record.

Mr. PAYNE. I will object to that.

The SPEAKER. Objection is heard.

Mr. HARDWICK. I hope the gentleman will not insist on that.

Mr. PAYNE. Not to include the memorial.

Mr. HARDWICK. I want to extend my remarks in the Record on this subject.

Mr. PAYNE. If the gentleman will leave out the memorial.

Mr. HARDWICK. Oh, no; that is an unreasonable limitation. I hope the gentleman will not insist on that.

Mr. MANN. The gentleman can make his request later.

The SPEAKER. Objection is heard.

Mr. HARDWICK. I did not understand, Mr. Speaker, that the gentleman from New York objected to my request.

The SPEAKER. The Chair so understood. The gentleman from New York [Mr. DWIGHT] makes the point of order that no quorum is present. Evidently there is no quorum present.

Mr. DWIGHT. I move a call of the House.

The call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Fowler	Knapp	Ransdell
Alken	Gaines	Lafean	Reid
Alexander, N. Y.	Gardner, Mass.	Langley	Reynolds
Ames	Gardner, N. J.	Law	Rhinock
Bartlett, Nev.	Garner, Pa.	Legare	Richardson
Broussard	Gill, Md.	Lindsay	Riordan
Burke, Pa.	Gill, Mo.	Lloyd	Roberts
Byrd	Gillespie	Loudenslager	Rodenberg
Calder	Godwin	Lundin	Rucker, Mo.
Cantrill	Goebel	McCredie	Sherley
Capron	Gordon	McDermott	Smith, Cal.
Cocks, N. Y.	Goulden	McHenry	Snapp
Cole	Graff	McKinlay, Cal.	Southwick
Collier	Graham, Pa.	McLachlan, Cal.	Spight
Cooper, Pa.	Griest	Madden	Stanley
Coudrey	Hamer	Maynard	Steenerson
Creager	Hamill	Millington	Sterling
Cullop	Hayes	Moon, Pa.	Thomas, N. C.
Denby	Heflin	Morehead	Washburn
Dickson, Miss.	Higgins	Mudd	Watkins
Driscoll, D. A.	Hitchcock	Murdock	Webb
Edwards, Ky.	Howland	Murphy	Weisse
Estopinal	Huff	Nelson	Wheeler
Fairchild	Humphreys, Miss.	O'Connell	Wickliffe
Fassett	Jones	Patterson	Willett
Foelker	Kahn	Pickett	Wood, N. J.
Fornes	Kennedy, Ohio	Polindexter	Woods, Iowa
Foster, Ill.	Kinkaid, N. J.	Pou	

The SPEAKER. Two hundred and seventy-two gentlemen have answered to their names—a quorum.

Mr. DWIGHT. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Clerk will call the first bill on the Unanimous Consent Calendar.

COMPENSATION OF APPRAISER AT SAN FRANCISCO.

The first bill on the Unanimous Consent Calendar was the bill (S. 1997) to limit and fix the compensation of the appraiser of merchandise at the port of San Francisco.

The Clerk read the bill, as follows:

Be it enacted, etc., That the appraiser of merchandise at San Francisco shall receive a salary of \$4,000 per annum.

SEC. 2. That all laws and parts of laws inconsistent herewith are repealed.

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to know something about the bill. What change does the bill make in existing law?

Mr. KNOWLAND. I will explain to the gentleman that this corrects an injustice which was done to the appraiser of the port of San Francisco in an act which passed the House in 1909. Prior to that time the salary of the appraiser at San Francisco was \$3,625 per annum. It seems that when the bill passed in 1909 a statement was made that it did not in any way change the salaries which prevailed at that time. But in conference a proviso was inserted the effect of which those who had charge of the bill, or at least those who were interested, did not realize, and the result was that it reduced the salary of the appraiser of the port of San Francisco from \$3,625 to \$3,000 per annum.

This bill fixes the salary at \$4,000 per annum, which is in conformity with the salaries paid at other ports where the same amount of business is done. We are entitled in San Francisco under the law to two appraisers, and we only have one.

Mr. SULZER. What is the annual salary of the appraisers in the country?

Mr. KNOWLAND. I have them all here. In New York the appraiser is paid \$8,000; Chicago, \$4,500; and in Philadelphia, \$4,000.

Mr. SULZER. This bill makes the salary of the appraiser at San Francisco \$4,000. What does the gentleman say his salary was before?

Mr. KNOWLAND. Three thousand six hundred and twenty-five dollars.

Mr. SULZER. Then this bill increases the salary?

Mr. KNOWLAND. It makes it conform to the salaries of the other ports where there is the same amount of business.

Mr. MACON. Mr. Speaker, reserving the right to object, I will ask, What is the necessity for increasing this salary over what it was at the time it was unintentionally reduced?

Mr. KNOWLAND. I will say to the gentleman that the salary of the appraiser at San Francisco, in proportion to the business, is less than it is at other ports. We are entitled in San Francisco to two appraisers, but one appraiser is doing the work, and in view of that fact I think the appraiser ought to have \$4,000.

Mr. MACON. Why does the gentleman say that San Francisco is entitled to two appraisers?

Mr. KNOWLAND. I say that we are entitled, under the law, to two appraisers.

Mr. MACON. I didn't know that any community was entitled to a place of this kind as a matter of right.

Mr. KNOWLAND. I am stating a fact—that under the law we are entitled to two.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

DISTRIBUTION OF CONGRESSIONAL RECORDS, FIFTH PENNSYLVANIA DISTRICT.

The next business on the Unanimous Consent Calendar was House resolution 873, to distribute CONGRESSIONAL RECORDS credited to the fifth Pennsylvania district.

The Clerk read the resolution, as follows:

Whereas the death of the Hon. William W. Foulkrod leaves the fifth Pennsylvania district without representation in this House: Therefore be it

Resolved, That the quota of CONGRESSIONAL RECORDS credited to the fifth district of Pennsylvania until the close of the Sixty-first Congress be distributed under the direction of the Committee on Printing.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

DROPPING OFFICERS FROM ROLLS OF ARMY.

The next business on the Unanimous Consent Calendar was the bill (S. 7635) authorizing the President to drop officers from the rolls of the Army under certain conditions.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to drop from the rolls of the Army any officer who is absent from duty three months without leave, or who has been absent in confinement in a prison or penitentiary for more than three months after conviction by a civil court of competent jurisdiction; and no officer so dropped shall be eligible for reappointment.

The following amendment, recommended by the committee, was read:

In line 7, before the word "conviction," insert the word "final."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Iowa [Mr. HULL], in charge of the bill, if this would apply, in time of war, if one of the officers of the Army were captured and put in a prison by the enemy.

Mr. HULL of Iowa. No, sir; it would not.

Mr. MANN. Why not?

Mr. HULL of Iowa. Because that is not absence without leave. That is absence in the casualties of war.

Mr. MANN. It is absence without leave if they do not know where he is.

Mr. HULL of Iowa. An officer of the Army could be captured by the enemy without its being known that he is captured. He has to be captured in such a way that they will know it.

Mr. MANN. If he were captured in such a way that the officers did not know it, he would be dropped from the rolls and would not be eligible for reinstatement.

Mr. HULL of Iowa. My impression is that if it were supposed to be desertion in the face of the enemy he would be dropped, but if he came back and showed that he was captured by the enemy he would be immediately reinstated.

Mr. MANN. But he could not be under the provisions of this law.

Mr. HULL of Iowa. That would not be construed as absence without leave.

Mr. MANN. Every Member of Congress who has these cases before the War Department knows that constantly in the Civil War some one was dropped from the rolls because of absence without leave, although his absence may have been caused by being in a Confederate prison.

Mr. CAMPBELL. And he is marked as a deserter after that time.

Mr. MANN. We passed a law at one time authorizing those things to be corrected.

Mr. HULL of Iowa. There is no case, in my judgment, where a man who showed he was captured has not been reinstated and the record corrected by the War Department itself. There are a good many men who have claimed they were captured, but who have been unable to prove it. If a man can not prove that he was captured, he ought not to be reinstated.

Mr. MANN. I will not object, but I think the law is very loosely drawn.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

COMMEMORATING THE FIRST GERMAN SETTLEMENT IN AMERICA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9137) to appropriate the sum of \$30,000 as a contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first German settlement in America.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$30,000 to aid in erecting a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America: *Provided*, That the said sum of \$30,000 shall not be payable until there shall have been raised and made available for the erection of said monument an additional sum of at least \$30,000: *Provided further*, That the design of said monument shall be approved by the Secretary of War, the governor of the State of Pennsylvania, and the president of the National German-American Alliance; and the money for the erection of the said monument shall be expended under the supervision of the Secretary of War, the governor of Pennsylvania, and the president of the National German-American Alliance: *And provided further*, That the responsibility for the care and keeping of the said monument shall be and remain with the city of Philadelphia, Pa., it being understood that the United States shall have no responsibility therefor.

With the following committee amendments:

On page 1 strike out lines 3, 4, and 5, down to and including the word "dollars," and insert: "That the expenditure of the sum of \$25,000 is hereby authorized."

In line 9 strike out all after the word "that," and in line 1, on page 2, strike out down to and including the word "payable," and insert: "No part of the sum herein authorized shall be expended."

Line 4, strike out "30" and insert "25."

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to have some explanation as to why we should commemorate the settlement—this particular settlement.

Mr. MOORE of Pennsylvania. Mr. Speaker, because it is in response to the wishes of more than 2,000,000 German-American citizens of the United States. Other projects of this kind have been recognized by Congress and appropriations have been made therefor. In this instance it is proposed that the National German-American Alliance shall provide half the funds necessary for the erection of the monument. The purpose of the monument is to commemorate the first German settlement in America. That settlement, according to the undisputed authority of men learned upon the subject, was made in Germantown, in Philadelphia, in 1683.

Mr. MACON. I want to ask the gentleman if it is the policy of the Government to erect monuments to commemorate the first settlement of any class of our foreign citizens who have come to make their home here. For instance, have we a monument commemorating the first English settlement in the United States, the first French settlement, the first Irish settlement, the first Scandinavian settlement, the first Swede settlement, and the first Scotch settlement, and so on? If we are going to enter upon a wholesale policy of that kind, I shall not object to this proposition, but I am inclined to think that it would not be wise for us to select this particular class of good people and commemorate their first settlement and ignore all the others.

Mr. MOORE of Pennsylvania. Mr. Speaker, I realize that the gentleman could object to the consideration of the bill at this time and might send it back to the Union Calendar, where it might be delayed until after the end of this session. If the gentleman has in his district representatives of the great German-American race in the United States he would probably understand the pressure that is brought to bear upon Members of Congress for the enactment of a measure that will tend to teach the youth of the country the high ideals that were entertained by these progenitors of theirs in the city of Philadelphia. There is no disposition to make a racial question of this matter; far from it. Those who came here born of German parentage, and those of German ancestry who have grown up in this country, have contributed to the very best citizenship of this land. If

we had a project to celebrate some great martial event, to celebrate some great soldier or statesman, to celebrate some great national victory, I assume that this House would recognize it instantly. It has done it frequently heretofore. It has marked the trail of those who went out and discovered the great West. It has established monuments in the South, it has established monuments in the North, it has established monuments in the East, and it has established monuments in the West; and is constantly so doing, not only as a tribute to those who have gone before, but as educational markers.

I say to the gentleman that more than 2,000,000 people are interested in raising a fund that is necessary to meet whatever appropriation the Government may make in this matter. I do not know whether the gentleman would like me to go into great detail at this time, but I could tell him something in regard to the establishment of this monument which would interest him. These men came here seeking religious liberty; they were highly educated—

Mr. MACON. We have just unveiled a monument in this city to a great German soldier who came over to help us in time of war, and I thought that was done by us on account of his heroism and that we had at the time adopted a policy of commemorating the heroism of soldiers, but I did not know we had entered upon a policy of commemorating the settlement of any of our citizens who came to this country to better their own condition.

Mr. MOORE of Pennsylvania. I do not know of any fixed policy, but answering the gentleman's question I will remind him that monuments have been erected here for Frenchmen, for Germans, for Poles, and for representatives of other nationalities. A monument was erected recently at Jamestown. Surely the gentleman is familiar with the monuments already reared in this country, of notabilities who came from foreign soil. On the York River is a great monument commemorating the defeat of Cornwallis. Germans and Frenchmen were celebrated there.

Mr. MACON. That is different. The gentleman can not put such a monument on all fours with the commemoration of a settlement of a certain class of our citizens.

Mr. MOORE of Pennsylvania. The gentleman can understand—

Mr. WANGER. If the gentleman from Pennsylvania will permit—

Mr. MOORE of Pennsylvania. Does not the gentleman understand that while we celebrate martial events, while we celebrate heroism, we ought also to celebrate education? Such a monument would be a memorial of those ideals which make for the welfare of the country in his State and my State.

Mr. MACON. I will ask the gentleman if the Government has erected a monument anywhere to commemorate the first English settlement upon this continent?

Mr. MOORE of Pennsylvania. I can answer the gentleman directly. The Government has not, as a Government, erected a monument where the first English settlement was made, and where, in 1587, the first English child, Virginia Dare, was born. I have been at that spot on Roanoke Island, N. C., and I am able to answer the gentleman. I would, if I had the opportunity, vote for a monument to celebrate the landing there of Sir Walter Raleigh's colonists who made the first settlement in the State of North Carolina. There is there to-day a small marker erected by the historical society of the State within the lines of a five-pronged fork where the English colonists first endeavored to make a permanent landing in this country. There has been no national celebration at this place, where the first English colonists settled and whence it is assumed, "the Lost Colony" merged with the Croatan Indians on the mainland. If Government attention was directed to that spot, if the Government would erect a monument there, it would enable the country to know more about the spot where the English attempted first to colonize this country. It would be well from an educational as well as from a historical standpoint. I would join the gentleman, gladly, in erecting a monument upon Roanoke Island to stand as a witness of this first attempt to colonize.

Mr. MACON. Does not the gentleman think it would be well for him to employ his energies and his splendid ability looking to that and have it commemorated before this commemoration takes place?

Mr. MOORE of Pennsylvania. I would say to the gentleman that if he will withdraw his objection to the bill I would very gladly, though coming from the great State of Pennsylvania, introduce a measure to erect a monument celebrating the settlement of the first English colony on Roanoke Island.

The SPEAKER. Is there objection?

Mr. MICHAEL E. DRISCOLL. Is there any evidence of any prior settlement of Germans in the United States?

Mr. MOORE of Pennsylvania. All authorities agree that the first German settlement was made at Germantown in 1683. These men came under the leadership of Daniel Francis Pastorius. They were Crefelders, and they were seeking religious liberty. They were industrialists and they were schoolmasters. They lived in caves along the banks of the Delaware River until they could erect habitations out in Germantown, now one of the beautiful suburbs of Philadelphia.

Mr. MICHAEL E. DRISCOLL. Has the German-American Alliance something to do with this?

Mr. MOORE of Pennsylvania. It has agreed to raise an amount equal to the amount asked from the Government. I have a letter in my hand indicating that they have already in their possession a voluntary fund of \$17,000 toward the \$25,000 which they are to raise.

Mr. WANGER rose.

Mr. MOORE of Pennsylvania. I yield to the gentleman from Pennsylvania [Mr. WANGER] for a question.

Mr. WANGER. Mr. Speaker, I merely wish to suggest that the American-German, or German-American, descendants of the early German settlers are only asking in this legislation what was done by Congress in the authorization of the expenditure for the Provincetown (Mass.) monument.

Mr. MOORE of Pennsylvania. That is correct.

Mr. WANGER. And in a more substantial and larger degree. The precedent has been set.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to say that there are some 15 or 20 bills on the calendar, reported from the Committee on the Library, proposing the expenditure of money for various commemorative or monumental purposes. Those ought to receive consideration by the House in a way that can not be done on the Unanimous Consent Calendar, and only one is presented of more doubtful propriety than the others, and, therefore, I object.

DAM ACROSS ST. JOSEPH RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26580) to extend the time for commencing the construction and for the completion of a dam across the St. Joseph River near Mottville, St. Joseph County, Mich.

The Clerk read as follows:

Be it enacted, etc., That the time for commencing the construction of the dam authorized by the act entitled "An act to authorize Herman L. Hartenstein to construct a dam across the St. Joseph River near the village of Mottville, St. Joseph County, Mich.," approved March 2, 1907, is hereby extended to one year, from the time for completing the construction of said dam to three years from the date of the passage of this act.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also the following committee amendment was read:

Strike out all after the enacting clause and insert:

"That Herman L. Hartenstein, a citizen of the State of Michigan, his heirs and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the St. Joseph River, at a point suitable to the interests of navigation within 1 mile up the stream from the highway bridge at the village of Mottville, St. Joseph County, in the State of Michigan, in accordance with the provisions of the act approved June 23, 1910, entitled 'An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906.'"

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Sec. 3. That the act entitled 'An act to authorize Herman L. Hartenstein to construct a dam across the St. Joseph River near the village of Mottville, St. Joseph County, Mich.,' approved March 2, 1907, is hereby repealed."

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I wish, with the indulgence of the House, to submit an observation concerning the necessity of an amendment to the rules which will compel the placing of copies of all bills on the Unanimous Consent Calendar and copies of the respective reports thereon before Members at their desks at least 24 hours, Sunday excluded, prior to the time when the Unanimous Consent Calendar is to be called. I believe that the House is the only legislative body in the United States which legislates by unanimous consent upon matters of extreme importance where the calendar is not brought in until the very minute it is to be called, and without a copy of a bill or of a report on any desk. The Committee on Rules should bring in an amendment to the rules which, as I have said, would thus compel the placing before each Member of a copy of each bill on the Unanimous Consent Calendar, with a copy of the accompanying report.

Mr. ESCH. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. ESCH. I will state that some six months ago I introduced a resolution providing for calendars and providing for

placing on these calendars the various reports in the order in which they are reported to the House, and making them available to the Members of the House.

Mr. COOPER of Wisconsin. I have introduced an amendment to the rules providing that copies of all bills on the calendar of motions to discharge committees shall be placed before Members at their desks at least 24 hours, Sunday excluded, prior to the time when that calendar is to be called. Since the gentleman from Illinois [Mr. MANN] has been introducing motions I am disposed to think there will not be any ordinary page able to carry the calendars. But there certainly ought to be an amendment which would result in furnishing in advance to each Member the calendar of such motions, so that he might inform himself and know what business the House is about to transact.

Mr. STAFFORD. Will my colleague permit?

Mr. COOPER of Wisconsin. Yes.

Mr. STAFFORD. Would not the purpose be accomplished if one of the pages in charge of the Journal would have copies of these bills at the Clerk's desk, so that any Member could demand them whenever he wishes? Of course it is within the privilege of Members to obtain these bills, as some Members do, prior to their being called up, by going over the calendar and sending for the respective bills, but I agree with the gentleman that there is difficulty in obtaining them on the spur of the moment.

Now, if the Clerk of the House or other officer would have copies of these bills when the House was called to order, so that we could send for them and have them immediately, there would be none of the delay necessary in sending pages to the document room for them.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. MORSE. Reserving the right to object, I would like to ask a question or two. Who has charge of this bill?

Mr. MANN. It came from my committee.

Mr. KEIFER. Have you charge of it?

Mr. MANN. Certainly.

Mr. MORSE. I would like to ask whether or not this bill is in line with the recommendation of the famous Roosevelt message on the Rainy River Dam bill. For example—

Mr. MANN. Without giving the example, let me say to the gentleman that, following the recommendation of President Roosevelt, Congress at its last session, late in the session, passed a law amending the original general dam law; and whether it is in line exactly with the President's recommendations or not, it endeavored to meet the recommendation of President Roosevelt, and, as representing the attitude of Congress on the question, it passed after considerable discussion and without any objection.

Mr. MORSE. I would like to ask the gentleman the question if there is a license fee or charge which can in the future be imposed so as to secure control of the dam for the use of the general public.

Mr. MANN. Under the general dam law the control of the dam and the charges for the dam is left in the hands of the War Department. The law requires the making of surveys of the river and estimates as to any probable future improvement of the river. The law does not provide directly for a license charge to be paid to the Government irrespective of future improvement of the river, but leaves the control in that respect to the War Department. So that if there is any improvement of the river contemplated the War Department is required to make an investigation before they issue a permit for the construction of a dam as to possible improvements of the river or of the use of any water which the Government can conserve.

Mr. MORSE. There is one more question, Mr. Speaker. I would like to ask the gentleman just how these matters come in under the authority to improve navigation. For example, I notice that there are several dams below this dam that cross this particular stream. How is this in aid of navigation?

Mr. MANN. This is supposed to be a navigable river. It is navigable at the lower end of the river, and under action which Congress took some years ago where a river is in part navigable Congress assumes the control over the river. On this particular river there are several dams which have been constructed without authority of Congress and before Congress assumed jurisdiction over navigable streams, which the gentleman will recollect was about 20 years ago.

Mr. HAMILTON. And some dams constructed under authority of Congress.

Mr. MANN. I understand. Since that time whenever a dam was proposed to be constructed over a navigable stream, or a bridge over it, it requires the consent of Congress, provided the

stream is not wholly within the limits of a State. If wholly within the limits of a State then the War Department has authority to issue a permit without a specific act of Congress.

Mr. MORSE. How far up in the river has it to be navigable? If merely at its mouth, then does Congress claim authority over the dams, no matter how far up they may be built?

Mr. MANN. Well, that is a matter of opinion. People who are very wise, in my judgment, come to Congress and ask permission. If they go ahead under the idea that it does not interfere with navigation, and that they will not be interfered with, they run the risk thereafter of being required to tear out the dam as an obstruction to navigation. That has been illustrated in the case of the city of Chicago. The city of Chicago constructed a tunnel under the Chicago River, as it had the right to do, before the time Congress assumed jurisdiction over the Chicago River. Subsequently Congress did assume jurisdiction over the Chicago River, and required the city, under a penalty of \$10,000 a month to tear the tunnels out. They take their chances if they construct without authority of Congress.

Mr. MORSE. Mr. Speaker, I ask unanimous consent at this time to insert in the RECORD the bill which I hold in my hand, passed at the last session of Congress, regulating the construction of dams.

Mr. MANN. You mean the law?

Mr. MORSE. The law.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to print in the RECORD a public law enacted at the last session of Congress, as indicated by him. Is there objection?

There was no objection.

The law referred to is as follows:

[Public, No. 246. An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.]

Be it enacted, etc., That the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, be, and the same is hereby, amended to read as follows:

"SECTION 1. That when authority has been or may hereafter be granted by Congress, either directly or indirectly or by any official or officials of the United States, to any persons, to construct and maintain a dam for water power or other purpose across or in any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans and specifications for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans or specifications either before or after completion of the structure unless the modification of such plans or specifications has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving the plans, specifications, and location for any dam, such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate, without expense to the United States, in connection with any dam and accessory or appurtenant works, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress at any time may deem necessary in the interests of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes in connection with such dam, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions: *Provided further*, That in acting upon said plans as aforesaid the Chief of Engineers and the Secretary of War shall consider the bearing of said structure upon a comprehensive plan for the improvement of the waterway over which it is to be constructed with a view to the promotion of its navigable quality and for the full development of water power; and, as a part of the conditions and stipulations imposed by them, shall provide for improving and developing navigation, and fix such charge or charges for the privilege granted as may be sufficient to restore conditions with respect to navigability as existing at the time such privilege be granted or reimburse the United States for doing the same, and for such additional or further expense as may be incurred by the United States with reference to such project, including the cost of any investigations necessary for approval of plans and of such supervision of construction as may be necessary in the interests of the United States: *Provided further*, That the Chief of Engineers and the Secretary of War are hereby authorized and directed to fix and collect just and proper charge or charges for the privilege granted to all dams authorized and constructed under the provisions of this act which shall receive any direct benefit from the construction, operation, and maintenance by the United States of storage reservoirs at the headwaters of any navigable streams, or from the acquisition, holding, and maintenance of any forested watershed, or lands located by the United States at the headwaters of any navigable stream, wherever such shall be, for the development, improvement, or preservation of navigation in such streams in which such dams may be constructed.

"SEC. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built in accordance with the provisions of this act, a suitable lock or locks, booms, sluices, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

"SEC. 3. That the persons constructing, maintaining, or operating any dam or appurtenant or accessory works, in accordance with the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise. The persons owning or operating any such dam or accessory works, subject to the provisions of this act, shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe, and for failure so to do in any respect shall be deemed guilty of a misdemeanor and subject to a fine of not less than \$500, and each month of such failure shall constitute a separate offense and subject such persons to additional penalties therefor.

"SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall at any time fail, after receiving reasonable notice thereof, to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War, including the payment into the Treasury of the United States of the charges provided for by section 1 of this act: *Provided*, That Congress may revoke any rights conferred in pursuance of this act whenever it is necessary for public use, and, in the event of any such revocation by Congress, the United States shall pay the owners of any dam and appurtenant works built under authority of this act, as full compensation, the reasonable value thereof, exclusive of the value of the authority or franchise granted, such reasonable value to be determined by mutual agreement between the Secretary of War and the said owners, and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of such properties: *And provided also*, That the authority granted under or in pursuance of the provisions of this act shall terminate at the end of a period not to exceed 50 years from the date of the original approval of the project under this act, unless sooner revoked as herein provided or Congress shall otherwise direct: *Provided, however*, That this limitation shall not apply to any corporation or individual heretofore authorized by the United States, or by any State, to construct a dam in or across a navigable waterway, upon which dam expenditures of money have heretofore been made in reliance upon such grant or grants.

"SEC. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding \$5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons and recovery had for such expense in any court of competent jurisdiction. Said provision as to recovery of expense shall not apply wherever the United States has been previously reimbursed for such removal; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or the Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this act the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

"SEC. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

"SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

"SEC. 8. That the word 'persons' as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations. The word 'dam' as used in this act shall be construed to import both the singular and the plural, as the case demands."

Approved, June 23, 1910.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. COOPER of Wisconsin. Reserving the right to object, I desire to ask the gentleman from Michigan [Mr. HAMILTON] a question. The bill, as introduced, bears this title:

To extend the time for commencing the construction and for the completion of a dam across the St. Joseph River near Motville, St. Joseph County, Mich.

Now, ordinarily that would require only this provision:

Be it enacted, etc., That the time fixed—

By such and such an act—

is hereby extended—

To the desired date.

Mr. MANN. The gentleman had better ask the question of me, because the gentleman from Michigan [Mr. HAMILTON] is not familiar with the reasons of the committee for changing the form of the bill.

Mr. COOPER of Wisconsin. Originally this was a bill merely to "extend the times" for the beginning and the completion of the construction of a certain dam, indicating that a prior law had been enacted authorizing somebody to construct a dam. But now the—

Mr. MANN. I can explain the situation to the gentleman very briefly.

Mr. COOPER of Wisconsin. Just a moment. The title is to be amended so as to read:

A bill granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich.

That is not the title for a bill merely to "extend the time," and so forth. To all intents and purposes it is on its face a new, original measure. Nobody reading the amended title and bill would have any idea that there was a prior law relating to the same subject. On its face it does not now appear to relate to any previous act of legislation. The reader is taken by surprise on learning the facts. If it be a bill merely to extend the times for the beginning and for the end of construction work, these could have been extended simply by saying that they "are hereby extended" to certain days. Now, by amendment to make an entirely new bill and then to amend the title so that from it nobody would know that there was any prior law—

Mr. MANN. Perhaps I had better explain to the gentleman, and then I think he will see the reason. Congress passed an act to give Hartenstein authority to construct a dam across the river at the point named. That act provided that the construction should be commenced within one year, or the act become void. The construction of the dam was not in fact commenced within one year, and thereupon the act did become void. Merely to extend the time, where the construction has not been commenced, is not sufficient, unless in the language of the act to revive and reenact—

Mr. NORRIS. The whole dam act. [Laughter.]

Mr. MANN. The original act. At least that is the opinion of the War Department; so that if we passed the bill as it was introduced, which is in a common form of introduction, in our opinion it would not accomplish the purpose of extending the time, because it is endeavoring to amend a dead act, which is no longer valid unless you revive and reenact it. Hence it seems simpler to repeal the original act and to pass a new one, which upon the statute book, when you see it, speaks for itself, to confer the same right that would be conferred by extending the time. This man is required to commence construction within one year from the passage of this act under the general dam law, and to complete it within three years.

If the construction of the dam has been commenced, then we should have simply extended the time, because the original act would not have become void. I hope the explanation is satisfactory to the gentleman from Wisconsin and that the form adopted by the committee is satisfactory. When he examines the statute he will see that effect is precisely the same as was sought to be accomplished by the original bill.

Mr. KEIFER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. KEIFER. I understand the gentleman in charge of this measure says that these bills relating to the construction of dams are only bills that arise where the dam is on a navigable stream and is interstate. Is that correct?

Mr. MANN. That is correct.

Mr. KEIFER. Is the St. Joseph River a navigable stream?

Mr. MANN. It is; both in Indiana and Michigan.

Mr. KEIFER. How about New River?

Mr. MANN. That is the same way, we are informed.

Mr. KEIFER. I notice that there are eight bills on this calendar, eight dam bills; are they all subject to the same rule that the gentleman has already stated?

Mr. MANN. They are.

Mr. KEIFER. Then I am not clear in my geography if they are.

Mr. MANN. I may say, further, that I think all of these bills are included in the omnibus dam bill which passed the House at the last session and passed the Senate and is in conference. We thought it was fair to bring the bills up separately so that if objection was made it might be specifically made to each one.

Mr. KEIFER. I notice a bill numbered on the right calendar 249 permitting the building of a dam across Rock River near Byron, Ill. Is that a navigable stream anywhere else than in the State of Illinois?

Mr. MANN. Probably not navigable except in the State of Illinois, but it rises in Wisconsin.

Mr. KEIFER. I think that is correct.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, there being a number of other bills on the calendar of a like kind, and this apparently being "of doubtful propriety," I object.

Mr. MANN. I might say to the gentleman that there are several others like this in which I am not interested.

DAM ACROSS MISSISSIPPI RIVER AT SAUK RAPIDS, MINN.

The next bill on the Calendar for Unanimous Consent was the bill (S. 6693) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904, be, and the same is hereby, amended so as to read as follows: "Sec. 3. That this act shall be null and void unless the construction of the dam herein authorized be commenced on or before the 1st day of July, A. D. 1910, and completed within two years from that date."

The following committee amendment was read:

On page 2, line 1, strike out the word "ten" and insert the word "eleven."

The SPEAKER. Is there objection?

Mr. ANTHONY. Mr. Speaker, reserving the right to object, I would like to ask, What is the nature of the dam to be built? Is it for the purpose of selling power?

Mr. MANN. It is.

Mr. ANTHONY. By whom?

Mr. MANN. By the Sauk Rapids Water Power Co.

Mr. ANTHONY. It is a private corporation?

Mr. MANN. It is.

Mr. ANTHONY. Does the bill provide for paying anything to the Government for the franchise?

Mr. MANN. No; but they probably will pay something under the general dam law. There is no provision in this act requiring them to pay anything to the General Government.

Mr. ANTHONY. Would not the gentleman think it proper to incorporate in the bill a provision that they shall pay a reasonable percentage on the company's gross receipts?

Mr. MANN. I should say not; particularly as to this bill. This bill is to extend the time of construction of the dam which has already been commenced. The construction has been commenced by the parties, and has proceeded as rapidly as possible. They have expended \$20,000 or upward in obtaining flowage rights and various other things in connection with the dam. This is merely to extend the time.

Mr. ANTHONY. Does not the gentleman think this would be a good time for the Government to get its rights in the matter, and will the gentleman consent to a provision requiring the company to pay to the Government 3 per cent of its gross receipts?

Mr. MANN. I will not.

Mr. ANTHONY. Then I will object to the bill.

Mr. KEIFER. Mr. Speaker, this dam is not being erected where the stream is navigable now, is it?

Mr. MANN. No; the stream is not navigable now. I will say to my friend from Kansas [Mr. ANTHONY], it is wholly within the power of any gentleman to object to a specific bill; but the reason which the gentleman gives for objecting to this bill will not, I think, appeal to him in a moment. We passed some years ago—in 1906, I think—a general dam bill.

Mr. NORRIS. We have passed a good many of them.

Mr. MANN. Well, we have passed a great many that the gentleman and I may damn, but they are not general dam laws. Prior to that time it was the custom to have numbers of our bills drawn by the attorney of the corporation or other person interested who wanted to get it through. We passed a general law on the subject. Subsequently, we granted authority to construct a dam in accordance with the general law. President Roosevelt vetoed one of those bills—the James River, in Missouri. Following that, Congress again took up the subject, and at the last session of Congress again enacted a law, during the presence of my friend from Kansas, which again stated the terms upon which Congress would authorize the construction of dams, when it authorized the construction at all, and, in my judgment, went as far as Congress is likely to ever go on the subject. Any gentleman now a Member of Congress can refuse to grant the privilege of constructing the dam, but it will not obtain the construction of any dams for the utilization of water power now going to waste, because you will not get any more favorable terms, in my judgment, than you now get.

Mr. ANTHONY. Does not the general law put it in the province of the War Department to impose this tax upon these companies for the privilege of using this water-power right?

Mr. MANN. The general law does not impose a tax at all. It imposes certain burdens, such as furnishing power or furnishing a site for locks which are to be constructed, or where it requires the War Department to make a comprehensive survey to see whether there are to be any improvements in the future for navigation; and if so, to require what is fair from the person proposing to construct the dam in connection with the proposed improvement of the stream; or, if we conserve the water power, as we do in Minnesota, and furnish water which would not otherwise be obtained, they make a charge for the use of that.

Mr. ANTHONY. Has there been any case yet where the War Department has imposed a charge for this privilege under that general law?

Mr. MANN. The general law was passed last June. There has been no law passed since then under that law—

Mr. ANTHONY. As I understood, they have the power to impose a charge for any of these public waters being used.

Mr. MANN. They do not have the power to make a flat charge, I will say to the gentleman. It was not the opinion of Congress, and in that respect Congress somewhat differs from my own opinion, and it is not the opinion of President Taft, and in that respect, again, I somewhat differ with him, that we have the power, under the right to merely affect commerce, to make a flat charge for the right to construct a dam or a bridge across a navigable stream, unless it had to do with the navigation and improvement of the stream.

Mr. ANTHONY. Then the Government has no right to charge for the use of a public utility, the same as a municipality would have, according to that.

Mr. MANN. That is the opinion of Congress, and, I think, the general opinion.

Mr. ANTHONY. I am not an expert in the law, but I believe the Government has that right.

Mr. MANN. Congress has no right on the stream whatever. It has no more control over a navigable stream than it has over the railroad. The only authority that Congress has in reference to navigable waters is the authority to regulate commerce between the States, and when we grant the right here we simply remove a negative proposition. We simply give our consent. We confer no real rights upon the parties. The State does control the bed of the stream. It has control of the use of the stream for all purposes except for navigation. The municipality may make a charge. The municipality may charge for the use of its stream. I will say to the gentleman, frankly, I believe, and stated, that where we could give or refuse our consent, we could give our consent on such conditions as we pleased, although plainly under the Constitution we had no right to require the payment of money for use of the part controlled by commerce.

The SPEAKER. Is there objection?

Mr. ANTHONY. I object, Mr. Speaker.

BRIDGE ACROSS MISSISSIPPI RIVER, ITASCA COUNTY, MINN.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 28624) authorizing the town of Blackberry to construct a bridge across the Mississippi River, Itasca County, Minn.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I desire to extend my remarks in the RECORD.

The SPEAKER. But the gentleman is not recognized for that purpose under the Unanimous Consent Calendar at this time.

Mr. HARDWICK. Why not?

The SPEAKER. Simply because it does not concern this bill.

Mr. HARDWICK. Mr. Speaker, I object to the bill.

The SPEAKER. The gentleman from Georgia objects, and the Clerk will report the next bill.

Mr. MILLER of Minnesota. Did I understand the gentleman from Georgia to object to the bill before any explanation had been made or any explanation given to him or the House?

Mr. HARDWICK. That is just exactly what the gentleman can understand.

Mr. MANN. We might as well understand there are no more unanimous consents this session, then.

DAM ACROSS CHOCTAWHATCHEE RIVER.

The Clerk read as follows:

A bill (H. R. 15429) extending the provisions of the act approved March 10, 1908, entitled "An act granting to A. J. Smith and his asso-

ciates, their successors and assigns, authority to construct, maintain, and operate a dam across the Choctawhatchee River about one-eighth of a mile below or west of the bridge across said river on the road known as the Newton and Ozark Public Road, in Dale County, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

The bill was read.

The SPEAKER. Is there objection?

Mr. HARDWICK. I object, Mr. Speaker.

Mr. CLAYTON. Mr. Speaker, I did not understand the gentleman from Georgia to object to this bill.

The SPEAKER. But the gentleman did object, and the Clerk will report the next bill.

DAM ACROSS SAVANNAH RIVER AT CHEROKEE SHOALS.

The Clerk read as follows:

A bill (H. R. 11593) authorizing the building of a dam across the Savannah River at Cherokee Shoals.

The bill was read.

The SPEAKER. Is there objection?

Mr. HARDWICK. I object, Mr. Speaker.

The SPEAKER. The Clerk will report the next bill.

DAM ACROSS ROCK RIVER NEAR BYRON, ILL.

The Clerk read as follows:

A bill (H. R. 15664) permitting the building of a dam across Rock River near Byron, Ill.

The bill was read.

The SPEAKER. Is there objection?

Mr. HARDWICK. I object, Mr. Speaker.

The SPEAKER. The gentleman from Georgia objects, and the Clerk will report the next bill.

CONSTRUCTION OF TWO REVENUE CUTTERS IN NAVY YARDS.

The Clerk read as follows:

House joint resolution 259, providing for the construction of two revenue cutters heretofore authorized.

The resolution was read.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The question was taken and the motion was rejected.

The SPEAKER. Is there objection?

Mr. HARDWICK. I object.

The SPEAKER. The gentleman from Georgia objects.

Mr. MANN. Mr. Speaker, I hope the gentleman will reserve his objection for a moment.

Mr. HARDWICK. I will reserve it.

Mr. MANN. Mr. Speaker, at the last session of Congress we authorized the construction of two new revenue cutters, and inserted a provision that they should be built in shipyards wherever they were built which observe the eight-hour law. Because of that provision in the law when invitations for bids were sent out for these two new revenue cutters no private shipyard would make any bid whatever upon them, and they seemed to think that they can hold up the Government by refusing to bid for the construction of these cutters unless Congress will rescind its action in reference to the eight-hour law. This bill simply proposes to authorize the construction of these two new cutters in one of the navy yards if the Secretary of the Treasury and the Secretary of the Navy both think it may be done. Now, if the gentleman feels obliged to object, of course, I will not complain, but I hope that he will not.

Mr. HARDWICK. Mr. Speaker, still reserving the right to object, I want to say to the gentleman that this morning, appealing to the courtesy which is usually exercised in this House and this is not directed to the gentleman who was very gracious about it, I asked permission to print in the RECORD a short petition from 3,000,000 American farmers. The gentleman who leads the majority side on the floor saw fit to object to my printing this memorial in the RECORD, a thing that has not happened, to my knowledge, for some time, certainly not when the House was in a calm frame of mind and good-tempered.

Now, it seems to me that Members have some rights that ought to be respected, and I want to put the House on notice that as long as I am treated that way there will be no more unanimous consents, when I am here, this session, at least. I therefore object.

Mr. MANN. Wait a moment.

Mr. HARDWICK. I withhold the objection, if the gentleman wishes me to do so.

Mr. MANN. Let me state to the gentleman what occurred. The gentleman asked unanimous consent to have printed in the RECORD a memorial. It has been the invariable custom of the House to refuse to give that permission—

Mr. HARDWICK. I beg the gentleman's pardon. Will the gentleman let me interrupt him? Only last session we varied it

in the case of petitions for woman suffrage. Members all over this floor got up and presented petitions; and there are a number of other exceptions.

Mr. MANN. I think the gentleman is mistaken, but perhaps not.

Mr. NORRIS. They were not printed in the RECORD.

Mr. HARDWICK. There have been exceptions.

Mr. MANN. I hope the gentleman will permit me to make a statement. It has been, in my experience, the invariable custom of the House not to permit memorials in the RECORD when so presented, but it has, on the other hand, been the custom of the House to permit a Member to rise and say, "Mr. Speaker, I ask leave to extend my remarks in the RECORD," and insert a memorial as a part of his remarks. The request which the gentleman first made this morning was to insert a memorial. The gentleman from New York [Mr. PAYNE] objected, and the gentleman from Georgia asked unanimous consent to extend his remarks in the RECORD, and the gentleman from Georgia knows that I assured him that we would fix it so that he would get his memorial in in some way throughout the day without any difficulty on his part, and he ought to have been satisfied with such an assurance.

Mr. HARDWICK. Still reserving the right to object, if the gentleman will pardon me, Mr. Speaker, at the gentleman's suggestion I made the request, and the Speaker practically objected to it, when it would have done nobody any harm, as I understood, to have it printed; and it seems to me the rules of courtesy ought to work uniformly in the House. I do not see why I should grant unanimous consent when it is necessary to have the consent unanimous—

Mr. MANN. I think the gentleman, when he reflects for a moment, will see that even if he were imposed upon as to almost a private matter so far as he is concerned—

Mr. HARDWICK. It is a matter of right as a Member of this House.

Mr. MANN. The gentleman ought not to interfere with the rights of other Members on the floor. However, there would be no difficulty later in the day to the gentleman obtaining permission to extend his remarks in the RECORD.

The SPEAKER. The gentleman will suspend. The Chair desires to say that if he saw proper, as a Member of this House, to object, he would have as much right as anybody else to object. But it is the duty of the Speaker, especially on unanimous-consent day, when under the recent rules, designed to give, at the expense of all the Members, a chance for some Member to get his special business before the House, to see to it that the unanimous-consent business of the House should be confined to the matter in hand. The Chair conceives that it is his duty as Speaker, even if he were not a Member of the House, to enforce the rules so that the business of the House may be dispatched with celerity, if possible.

Mr. HARDWICK. Mr. Speaker, still reserving the right to object, I wish to state to the Speaker that I by no means object to the Speaker of this House any more than any other Member exercising his right to object individually to a request of this kind.

The SPEAKER. But the Chair desires to remind the gentleman that the Chair did not, in his capacity as a Member of the House, object.

The Chair has no possible objection to the gentleman printing anything in the RECORD that seems to be apt, and has recognized the gentleman once to-day to submit that question.

Mr. HARDWICK. Undoubtedly.

The SPEAKER. This rule is mandatory upon the Chair—

Mr. HARDWICK. Mr. Speaker, just a question, if the Chair will permit.

The SPEAKER (continuing). To dispose of business as printed upon the calendar.

Mr. HARDWICK. If the Chair will permit, I know of no part of the rule which prevents the granting of a simple unanimous consent to print while the House considers a bill by unanimous consent. Certainly unanimous consent would suspend the rules. We can suspend every rule by unanimous consent; and it struck me I was not being treated—I know I was not—with proper consideration in this matter. Now, I may be mistaken as to the terms of the rule, but I do not see anything in the rule that forbids this.

The SPEAKER. The Chair reads from the rule:

On days that it shall be in order to move a suspension of the rules the Speaker shall, immediately after the approval of the Journal, direct the Clerk to call bills on the Calendar for Unanimous Consent.

Now, the Speaker probably erred after the reading of the Journal in recognizing the gentleman on his first request. The Chair only desires in administering this rule, which is an ex-

ceedingly strict rule and mandatory, to see that it is administered as provided by its terms.

Mr. HARDWICK. But, Mr. Speaker, under the rule itself—
The SPEAKER. And if the Chair erred once, before the first bill was called, that is no reason why the Chair should err a second time. It is absolutely patent—

Mr. HARDWICK. Not at all, Mr. Speaker.

The SPEAKER. It is absolutely patent to gentlemen that there is a disposition in the House—and the Chair does not quarrel with it or with Members of the House—notwithstanding this mandatory rule, to sidestep it. We have already had a discussion, which the Chair did not interrupt, upon the propriety of amending the rules on a question as to whether a bill should be considered. Is there objection?

Mr. HARDWICK. Reserving the right to object—

Mr. MOORE of Pennsylvania. I object.

The SPEAKER. The gentleman from Pennsylvania objects.

AUTHENTICATED COPIES OF DEPARTMENT OF THE INTERIOR RECORDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25293) to make uniform charges for furnishing authenticated copies of records for the Department of the Interior and its several bureaus.

The bill and the amendments recommended by the committee were read at length.

The SPEAKER. Is there objection?

Mr. HARDWICK. I object, Mr. Speaker.

REIMBURSEMENT FOR PROVISIONS AND CLOTHING FURNISHED SHIPWRECKED PERSONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 30290) authorizing the reimbursement of keepers of light stations and masters of light vessels and of lighthouse tenders for rations, provisions, and clothing furnished shipwrecked persons.

The bill was read at length.

Mr. STAFFORD. Mr. Speaker, I move that this bill be postponed for two weeks, without prejudice, when matters are considered by unanimous consent.

The SPEAKER. The gentleman moves to postpone this bill.
Mr. MANN. I make the point of order that the motion is not in order.

The SPEAKER. The point of order is sustained.

Mr. STAFFORD. Then, I ask unanimous consent—

Mr. HARDWICK. I object, Mr. Speaker.

Mr. AUSTIN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Georgia objects.

Mr. STAFFORD. There were two objections, Mr. Speaker; I think the gentleman from Tennessee objected.

Mr. AUSTIN. I do. I object to any bill you are interested in. [Laughter.]

Mr. STAFFORD. I thought the gentleman would accommodate me in that way.

The SPEAKER. Is there objection?

Mr. HARDWICK. I object.

The SPEAKER. The gentleman from Georgia objects.

Mr. MANN. Will the gentleman withhold his objection for a moment and permit a statement to be made concerning the bill? I think the gentleman would not then object.

Mr. HARDWICK. I think it would do no good. I know I would object in any event.

Mr. MANN. The gentleman does not know what the bill is.

Mr. HARDWICK. I do not care.

Mr. MANN. Would not the gentleman withhold his objection until a statement is made?

The SPEAKER. Objection is heard, and the Clerk will report the next bill.

DAM ACROSS NEW RIVER NEAR FOSTER FALLS, VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17848) to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River near Foster Falls, Wythe County, Va.

The bill and amendments recommended by the committee were read at length.

The SPEAKER. Is there objection?

Mr. HARDWICK. I object, Mr. Speaker.

The SPEAKER. The gentleman from Georgia objects.

DAM ACROSS NEW RIVER, IVANHOE, VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26411) authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. HARDWICK. I object, Mr. Speaker.

The SPEAKER. The gentleman from Georgia objects.

Mr. CANDLER. I move that the House do now adjourn.

Mr. MANN. I make the point of order that that is a dilatory motion. We have just voted down a motion of that kind.

Mr. CANDLER. It is not dilatory.

The SPEAKER. The Chair will leave to the gentleman as to whether it is dilatory.

Mr. CANDLER. It is not dilatory. I made it in the utmost good faith.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. CANDLER. I ask for a division.

The House divided; and there were—ayes 16, noes 91.

Mr. HARDWICK. No quorum, Mr. Speaker.

The SPEAKER. It does not require a quorum on a motion to adjourn.

Mr. MANN. It has nothing to do with the question of adjourning.

The SPEAKER. It is in the power of the gentleman to make the point of no quorum, but not, it occurs to the Chair, upon a motion to adjourn, because it does not require a quorum to adjourn; but the gentleman can make the point alunde if he wants to, after the Chair has announced the result. The noes have it and the House refuses to adjourn.

Mr. HARDWICK. I make the point of no quorum present.

The SPEAKER. The gentleman makes the point of no quorum present. The Chair will count. [After counting.] One hundred and ninety-five Members present—a quorum. The clerk will report the next bill.

BRIDGE ACROSS TOMBIGBEE RIVER, ITAWAMBA COUNTY, MISS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27292) to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Iron Wood Bluff, in Itawamba County, Miss.

The bill was read.

The SPEAKER. Is there objection?

Mr. HARDWICK. I object.

Mr. CANDLER. Will the gentleman reserve his objection just a moment?

Mr. HARDWICK. I will withdraw it, of course, for a moment.

Mr. CANDLER. I just want to say in reference to this bill, Mr. Speaker, that it is not for the benefit of any private interest whatever. It is a bill introduced by me at the request of the officers of Itawamba County, and is a matter of public interest. Not only that, but it affects very materially quite a considerable percentage of the population of this county, who are very anxious to have it passed as promptly as possible, in order that this bridge may be constructed by the county authorities for the benefit of the people. I appeal to my friend [Mr. HARDWICK], in view of these facts, it being a matter of public interest, not to interpose any objection. An objection will take this bill off the Unanimous Consent Calendar and will endanger its passage at this session, although it is an entirely meritorious measure. I shall try to secure its passage later if my friend persists in his attitude, but I hope he will not object.

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I want to say to the gentleman, as well as to the other gentlemen here, that during eight years of service I have never made any objection.

Mr. MANN. I object to his having unanimous consent to proceed.

The SPEAKER. Objection is heard. The clerk will report the next bill.

Mr. HARDWICK. Do you object to the bill?

Mr. MANN. You objected to letting me make a statement a moment ago. I do not object to the bill. You can not have it all your own way.

The SPEAKER. The Clerk will report the next bill.

AMENDMENT TO THE PENAL CODE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25553) to amend section 45 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. HARDWICK. I object.

Mr. PAYNE. Mr. Speaker, I object to that bill.

Mr. NORRIS. Will the gentleman reserve his objection?

The SPEAKER. Objection is heard. The Clerk will report the next bill.

BOUNDARY LINE BETWEEN TEXAS AND NEW MEXICO.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 124) reaffirming the boundary line between Texas and the Territory of New Mexico.

The Clerk read the title of the joint resolution.

Mr. PAYNE. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

Mr. STEPHENS of Texas. Mr. Speaker, can we not have the joint resolution read?

ORDER OF BUSINESS.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

Mr. FITZGERALD. Mr. Speaker, I call up a privileged motion.

The SPEAKER. This is a privileged motion.

Mr. FITZGERALD. Mine is a motion of higher privilege under the rule.

The SPEAKER. Pending that, the gentleman from Texas rises to make a parliamentary inquiry.

Mr. STEPHENS of Texas. Can we not have Senate joint resolution 124 read before the objection is made by my genial friend from New York?

Mr. PAYNE. Mr. Speaker, what is the use? The gentleman from Georgia has objected half a dozen times. I object.

Mr. STEPHENS of Texas. I think every other bill has been read.

The SPEAKER. The Chair is prepared to answer the parliamentary question. The Chair is of opinion that the reading of a bill for unanimous consent is not upon all fours with the reading of a bill when it is to be considered or action taken thereon, and whenever any Member deems it proper to make an objection, as it requires unanimous consent to consider the bills, the practice has always been to recognize the Member to object, even though the reading might not be completed. Unanimous-consent proceeding requires only one Member to be satisfied before rejection, and if a partial reading satisfies him it would manifestly be a waste of time to continue the reading.

The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 31237, the Army appropriation bill.

Mr. FITZGERALD. Mr. Speaker, I desire to call up the motion to discharge the Committee on Ways and Means from further consideration of the bill (H. R. 19784) to suspend the levying and collection of taxes or duties upon beef, mutton, lamb, and other meats intended for use as human food.

Mr. MANN. Mr. Speaker, I desire to call up the motion for the discharge of the Committee on the Post Office and Post Roads from consideration of the bill (H. R. 21321) to codify, revise, and amend the postal laws of the United States, which takes priority of the motion of the gentleman from New York.

Mr. SULZER. Mr. Speaker, I have a few motions of that kind myself on the calendar. [Laughter.]

The SPEAKER. The Chair has recognized the gentleman from Iowa. The Chair does not need to decide between the gentleman from New York and the gentleman from Illinois, as the Chair has recognized the gentleman from Iowa to make a motion. No point of order seems to have been made to that motion.

Mr. FITZGERALD. It is not necessary to make a point of order. The motion which I desire to call up is pending. I call up the motion under a decision of the Chair; and I call the attention of the Chair to his own decision that, while the motion of the gentleman from Iowa is in order to-day, as was the motion to suspend the rules, a motion to discharge the committee under the rule is a motion of higher privilege, and I insist on the Chair recognizing me upon demand to call up that motion in preference to the motion of the gentleman from Iowa.

The SPEAKER. The only way, in the opinion of the Chair, that the question can be raised is upon a point of order to the motion that the gentleman from Iowa makes as a question of privilege, and the Chair takes it that the remarks of the gentleman from New York are tantamount to a point of order.

Mr. FITZGERALD. No; they are not. I am calling the attention of the Chair to his own ruling upon this identical question.

The SPEAKER. Not the identical question, by any manner of means, and it can not be raised except by a point of order to the motion of the gentleman from Iowa.

Mr. DOUGLAS. The regular order!

Mr. FITZGERALD. I wish to be heard before the Chair makes a ruling.

The SPEAKER. The Chair has made no ruling, and the only way that the question can be raised so that the Chair can rule is upon a point of order to the motion of the gentleman from Iowa.

Mr. FITZGERALD. I ask the Chair to permit me to make a statement. This is a very important matter.

The SPEAKER. Very important, and therefore a point of order is the way to raise the question.

Mr. FITZGERALD. I submit to the Chair that the motion of the gentleman from Iowa, under the same ruling that the Chair made on last suspension day, is a question which is in order unless some preferential motion is interposed. I do not believe that the Chair should attempt to differentiate these questions so as to give the gentleman from Iowa an undue advantage.

The SPEAKER. When the question arises as to whether this motion is in order or not, there will be something pending before the House upon which the Chair can hear the gentleman from New York.

Mr. FITZGERALD. I ask the Chair to recognize me to call up the motion to discharge the Committee on Ways and Means, which motion is pending.

The SPEAKER. The Chair declines to recognize the gentleman from New York, but has recognized the gentleman from Iowa, but will recognize the gentleman from New York to make any point upon that motion he may desire.

Mr. FITZGERALD. Then I make the point of order that I am entitled to recognition to call up the preferential motion to discharge the committee.

The SPEAKER. But the Chair can not entertain two motions.

Mr. FITZGERALD. The Chair may not, but the Chair should. [Laughter.]

The SPEAKER. It is the motion that the Chair recognizes.

Mr. FITZGERALD. Yes; but the Chair recognized, in the same way, a motion to suspend the rules. Now, under the rule these motions to discharge committees are in order on this day immediately after the Unanimous Consent Calendar is called, and they are given a preference over this motion.

Mr. DOUGLAS. May I be heard for one moment, Mr. Speaker?

The SPEAKER. The Chair will entertain the point of order on the motion that the gentleman from Iowa [Mr. HULL] has made, and upon that point of order the Chair is ready to hear the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I make the point of order, and as I suppose the Chair is prepared to overrule it, I shall not discuss it.

The SPEAKER. Does the gentleman desire to be heard upon his point of order?

Mr. FITZGERALD. No; if the Chair is prepared to rule, I am willing to take the "count."

The SPEAKER. If no one desires to be heard, the Chair is ready to rule upon the point of order.

Mr. DOUGLAS. Mr. Speaker, a parliamentary inquiry. Has the gentleman from New York made the point of order against the motion of the gentleman from Iowa?

The SPEAKER. The Chair thinks so, in substance.

The question of order which has been raised is whether or not the words of Rule XXVIII, section 4, as to this day—

Immediately after the Unanimous Consent Calendar shall have been called on any Monday, it shall be in order to call up any such motion (i. e., motion to discharge a committee), which shall have been entered at least seven days prior thereto—

shall have the effect to prevent the Chair from entertaining the highly privileged motion that the House resolve itself into Committee of the Whole House on the state of the Union to consider a general appropriation bill.

It is undeniable that the words of Rule XIII, section 3—

On days when it shall be in order to move to suspend the rules the Speaker shall, immediately after the approval of the Journal, direct the Clerk to call the bills upon the Calendar for Unanimous Consent—

prevent the Speaker entertaining the motion to go to the consideration of appropriation bills until the Unanimous Consent Calendar is considered.

It is also undeniable that the words of Rule XXVI, section 4—

On Wednesday of each week no business shall be in order except as provided by paragraph 4 of Rule XXIV (the rule for the call of committees), unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine—

prevent the Chair on Wednesdays from entertaining a motion to go to the consideration of general appropriation bills unless the House by a two-thirds vote shall have cleared the way for such a motion.

It does not seem to the Chair, however, that the words now in question—

It shall be in order to call up any such motion (i. e., the motion to discharge a committee)—

are so mandatory in nature as to prevent the Chair from giving prior recognition to the motion which Rule XVI, section 9, provides for consideration of appropriation bills.

That rule is as follows:

At any time after the reading of the Journal it shall be in order—

And so forth.

It is true that the rule for the discharge of committees is of later adoption, and it may be urged that therefore it was intended to supersede the clause of Rule XVI. But is not another inference more reasonable—that if the House had intended to supersede the privilege conferred by Rule XVI, it would have used language so explicit as to leave no doubt? The Chair thinks such would have been the case, especially as the rule does explicitly supersede motions to suspend the rules, and does not believe that the House intended by this rule to shut itself off from the opportunity to go to the consideration of appropriation bills after the Unanimous Consent Calendar is called.

The Chair realizes that it is no part of his duty to pervert the rules of the House from their reasonable meaning, even for expedencies affecting high public interest. The appropriation bills, with their yearly burden of a thousand millions of dollars, are a great portion of the work of this House. They may be said to carry in themselves the security, order, and civilization of the United States. Yet, if a fair interpretation of the rules would cramp their consideration, even to the extent of breeding wastefulness and extravagance, the Chair must still give that fair interpretation.

But where there is a doubt as to that fair interpretation, the Chair conceives that his decision should lean toward that great principle of parliamentary law, reaffirmed, restored, and reestablished on this floor by the stubborn conflicts of 1890 in the Fifty-first Congress: The principle that the House should be able by majority vote on any day to go to any business on its public calendars. The vindication of that principle was as much a part of the reform of that time as was the establishment of the rule that a Member could not be vociferating on the floor for the purpose of debate and at the same time be absent on a question of quorum. For 20 years successful filibustering became impossible on this floor. The ability of the House to go to any business on its public calendars on any day broke up those stated processions of business which the filibusterer always has and always will ambush in a large body like this.

The Chair believes that the true principles of parliamentary law always require that the rulings of the Chair should be in favor of those general constructions which will increase rather than diminish the House's liberty of action. To further a particular bill, the Chair should not overturn a general salutary rule. Because a bill requires three hours for reading is no reason for the Chair to overturn the historic practice that every Member is entitled to hear read that as to which he is to vote. But in making rulings affecting general principles of action, the Chair should always use any discretion properly his in favor of that construction which will increase rather than decrease the liberty of the House's action.

Recent amendments to the rules have made very important limitations of the House's freedom of action. The Chair might or might not think these amendments reactionary if it were any part of his duty to comment on the rules which the House establishes for his guidance. But his only duty is to interpret where they leave room for interpretation. And in making that interpretation the Chair will lean toward the great principle, the conservation of the House's freedom of action as the desire for action may be expressed by a majority. It ought never on any day to be in the power of a minority of this House to coerce the House to one line of business when the majority may wish to go to another.

If the Chair rules now that the motion to take up the appropriation bills is not in order, the House must go to the motions to discharge committees, whether a majority wish to do so or not. If the Chair rules that the motion to take up the appropriation bills is in order, the House may then take up those bills if it wishes to, or it may go to the calendar for motions to discharge committees. If the Chair rules that the motion to take up the appropriation bills is not in order, one more day of the week is added to the time when the House is not able to control its own action by majority vote.

The Chair therefore overrules the point of order.

Mr. FITZGERALD. Mr. Speaker, I appeal from the decision of the Chair, and I hope I will be given an opportunity to speak briefly on the appeal.

The SPEAKER. The gentleman from New York appeals from the decision of the Chair.

Mr. PAYNE. Mr. Speaker, I move to lay the appeal on the table.

Mr. FITZGERALD. Mr. Speaker, I hope the gentleman will withhold his motion for a few minutes. This matter is a new and important one.

Mr. PAYNE. The gentleman had an opportunity to be heard on his point of order, but declined. I think we ought to get on with the business of the House.

The SPEAKER. The gentleman saw proper to withhold any remarks upon his point of order, and the Chair has ruled. The Chair is perfectly willing, so far as the Chair is concerned, that the gentleman shall be heard now.

Mr. FITZGERALD. I simply suggest this to the Chair: That the Chair has argued his side of this appeal, and while, of course, it is not the fault of the Chair that the gentleman from New York [Mr. PAYNE] will try to prevent anybody else being heard—

The SPEAKER. The Chair has no possible objection to the gentleman addressing the House.

Mr. FITZGERALD. I understand that.

The SPEAKER. But it is in the power of the House to determine.

Mr. FITZGERALD. I can not address the House, perhaps, if the factotum of the Chair insists on this motion.

The SPEAKER. The Chair has no factotum, either the gentleman senior from New York or the gentleman junior in service to him.

Mr. FITZGERALD. I have not accused either gentleman from New York of being the Chair's factotum. [Cries of "Regular order!"]

The SPEAKER. Does the gentleman insist on his motion to lay the appeal on the table?

Mr. FITZGERALD. We will not make any time by that.

The SPEAKER. The Chair is powerless.

Mr. FITZGERALD. I know it. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from New York to lay the appeal upon the table.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. FITZGERALD. Division, Mr. Speaker.

The House divided; and there were—ayes 126, noes 94.

Mr. FITZGERALD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 154, answered "present" 9, not voting 98, as follows:

YEAS—125.

Alexander, N. Y.	Esch	Knowland	Payne
Allen	Fairchild	Kronmiller	Pearre
Anthony	Focht	Lawrence	Plumley
Austin	Fordney	Longworth	Pratt
Barchfeld	Foss	Loud	Pray
Barclay	Foster, Vt.	Loudenslager	Prince
Barnard	Fuller	Lowden	Scott
Barnhardt	Gillett	McCall	Simmons
Bates	Graff	McCreary	Slemp
Bennet, N. Y.	Graham, Pa.	McCredie	Smith, Iowa
Boutell	Grant	McGuire, Okla.	Southwick
Bradley	Greene	McKinley, Ill.	Sperry
Burke, S. Dak.	Guernsey	McLachlan, Cal.	Sterling
Burleigh	Hamer	McLaughlin, Mich.	Stevens, Minn.
Butler	Hamilton	McMorran	Sulloway
Chapman	Hanna	Madden	Swasey
Cole	Hawley	Malby	Tawney
Cowles	Heald	Mann	Taylor, Ohio
Crumacker	Henry, Conn.	Martin, S. Dak.	Thomas, Ohio
Dalzell	Hill	Massey	Tilson
Dawson	Howell, N. J.	Miller, Kans.	Townsend
Denby	Howell, Utah	Mondell	Volstead
Diekmann	Howland	Moore, Pa.	Vreeland
Dodds	Hubbard, W. Va.	Morgan, Mo.	Wanger
Douglas	Hughes, W. Va.	Morgan, Okla.	Weeks
Draper	Hull, Iowa	Moxley	Wheeler
Driscoll, M. E.	Johnson, Ohio	Nye	Wiley
Durey	Joyce	Olcott	Wilson, Ill.
Dwight	Kahn	Olmsted	Young, Mich.
Ellis	Keifer	Palmer, H. W.	
Elvins	Kennedy, Iowa	Parker	
Englebright	Kennedy, Ohio	Parsons	

NAYS—154.

Adamson	Byrns	Cullop	Garrett
Alexander, Mo.	Candler	Davidson	Glass
Anderson	Carlin	Davis	Godwin
Ansberry	Carter	Dent	Goldfogle
Ashbrook	Cary	Denver	Good
Barnhart	Cassidy	Dickinson	Gordon
Bartlett, Ga.	Clark, Fla.	Dies	Graham, Ill.
Beall, Tex.	Clark, Mo.	Dixon, Ind.	Gronna
Bell, Ga.	Clayton	Edwards, Ga.	Hamlin
Boehne	Coilier	Ellerbe	Hammond
Borland	Conry	Estopinal	Hardwick
Bowers	Covington	Fitzgerald	Hardy
Brantley	Cox, Ind.	Flood, Va.	Harrison
Burgess	Cox, Ohio	Floyd, Ark.	Haugen
Burnett	Craig	Gallagher	Havens
Byrd	Cravens	Garner, Tex.	Hayes

Heflin	Legare	Padgett	Sims
Helm	Lenroot	Page	Sisson
Henry, Tex.	Lever	Palmer, A. M.	Slayden
Hinshaw	Lindbergh	Peters	Small
Hobson	Lively	Pickett	Smith, Tex.
Houston	Livingston	Poindexter	Sparkman
Howard	Lloyd	Pujo	Stafford
Hubbard, Iowa	Macon	Rainey	Stanley
Hughes, Ga.	Madison	Randell, Tex.	Steenerson
Hughes, N. J.	Maguire, Nebr.	Ransdell, La.	Stephens, Tex.
Hull, Tenn.	Martin, Colo.	Rauch	Sulzer
Humphreys, Miss.	Maynard	Richardson	Talbot
James	Mays	Robinson	Taylor, Ala.
Jamieson	Mitchell	Roddenberry	Taylor, Colo.
Johnson, Ky.	Moon, Tenn.	Rothermel	Thomas, N. C.
Johnson, S. C.	Moore, Tex.	Rucker, Colo.	Tou Velle
Jones	Morrison	Rucker, Mo.	Turnbull
Kendall	Morse	Sabath	Underwood
Kitchin	Moss	Saunders	Watkins
Kopp	Nelson	Shackelford	Wilson, Pa.
Korbly	Nicholls	Sharp	Woods, Iowa
Lamb	Norris	Sheppard	
Lee	Oldfield	Sherwood	

ANSWERED "PRESENT"—9.

Alken	Currier	Gregg	Kellher
Andrus	Goulden	Hay	Pou
Cooper, Wis.			

NOT VOTING—98.

Adair	Ferris	Knapp	Reynolds
Ames	Finley	Klistermann	Rhinock
Bartlett, Nev.	Fish	Lafean	Riordan
Bennett, Ky.	Foelker	Langham	Roberts
Bingham	Fornes	Langley	Rodenberg
Booher	Foster, Ill.	Latta	Sheffield
Broussard	Fowler	Law	Sherley
Burke, Pa.	Gaines	Lindsay	Smith, Cal.
Burleson	Gardner, Mass.	Larkin	Smith, Mich.
Calder	Gardner, Mich.	McDermott	Snapp
Calderhead	Gardner, N. J.	McHenry	Spight
Campbell	Garner, Pa.	McKinlay, Cal.	Sturgis
Cantrill	Gill, Md.	McKinney	Thistlewood
Capron	Gill, Mo.	Miller, Minn.	Thomas, Ky.
Cline	Gillespie	Millington	Wallace
Cocks, N. Y.	Goebel	Moon, Pa.	Washburn
Cooper, Pa.	Griest	Morehead	Webb
Coudrey	Hamill	Mudd	Weisse
Creager	Higgins	Murdoch	Wickliffe
Crow	Hitchcock	Murphy	Willett
Dickson, Miss.	Hollingsworth	Needham	Wood, N. J.
Driscoll, D. A.	Huff	O'Connell	Woodyard
Dupre	Humphrey, Wash.	Patterson	Young, N. Y.
Edwards, Ky.	Kinkaid, Nebr.	Reeder	
Fassett	Kinkaid, N. J.	Reid	

So the motion was rejected.

The following pairs were announced:

For this session:

Mr. CURRIER with Mr. FINLEY.

Mr. YOUNG of New York with Mr. FORNES.

Mr. AMES with Mr. AIKEN.

Mr. ANDRUS with Mr. RIORDAN.

Until further notice:

Mr. LAW with Mr. McDERMOTT.

Mr. NEEDHAM with Mr. WEISSE.

Mr. MILLINGTON with Mr. LINDSAY.

Mr. HUFF with Mr. CANTRELL.

Mr. KNAPP with Mr. SHERLEY.

Mr. SMITH of California with Mr. RHINOCK.

Mr. CAPRON with Mr. REID.

Mr. MURDOCK with Mr. GILLESPIE.

Mr. FASSETT with Mr. GILL of Missouri.

Mr. REYNOLDS with Mr. O'CONNELL.

Mr. HIGGINS with Mr. HITCHCOCK.

Mr. MOON of Pennsylvania with Mr. CLINE.

Mr. GOEBEL with Mr. GILL of Maryland.

Mr. BINGHAM with Mr. ADAIR.

Mr. BURKE of Pennsylvania with Mr. BARTLETT of Nevada.

Mr. CALDER with Mr. BOOHER.

Mr. CAMPBELL with Mr. BROUSSARD.

Mr. CREAGER with Mr. DICKSON of Mississippi.

Mr. GAINES with Mr. DANIEL A. DRISCOLL.

Mr. GARDNER of Massachusetts with Mr. DUPRE.

Mr. GARDNER of New Jersey with Mr. FERRIS.

Mr. GRIEST with Mr. HAMILL.

Mr. LANGHAM with Mr. KINKAID of New Jersey.

Mr. LANGLEY with Mr. LATTI.

Mr. ROBERTS with Mr. PATTERSON.

Mr. RODENBERG with Mr. SPIGHT.

Mr. SMITH of Michigan with Mr. THOMAS of Kentucky.

Mr. WOODYARD with Mr. WALLACE.

Mr. THISTLEWOOD with Mr. WEBB.

Mr. WOOD of New Jersey with Mr. WICKLIFFE.

Mr. HUMPHREY of Washington with Mr. WILLETT.

Until January 18, noon:

Mr. GARDNER of Michigan with Mr. FOSTER of Illinois.

From January 14 until January 17:

Mr. COOPER of Pennsylvania with Mr. McHENRY.

From January 16 until January 24:

Mr. WASHBURN with Mr. KELIHER (except San Francisco).

Until January 18, noon:

Mr. MOREHEAD with Mr. POW.

For the balance of the day:

Mr. MCKINNEY with Mr. BURLISON.

Mr. LAFFAN with Mr. GOULDEN.

Mr. CURRIER. Mr. Speaker, I desire to inquire whether the gentleman from South Carolina [Mr. FINLEY] voted.

The SPEAKER. He did not.

Mr. CURRIER. I voted "yea." I am paired with the gentleman, and should like to withdraw my vote and answer "present."

The name of Mr. CURRIER was called, and he answered "present."

The result of the vote was then announced, as above recorded.

The SPEAKER. The gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, I should first express my thanks to my colleague [Mr. PAYNE] for his action, which gives me an opportunity to address the House upon this appeal. It might not otherwise have been given if the gentleman had shown a less arbitrary disposition.

Unquestionably, Mr. Speaker, there is room for an honest difference of opinion as to the construction to be given to this rule. I have never contended that the rule did not afford considerable opportunity for controversy over its effect and intention. If it be recalled, however, what was intended to be accomplished by the adoption of the rule, and when business under it is in order, I do not believe that any Member of the House will have any doubt that the attempt to intervene with a motion to consider an appropriation bill is one of the things the House had in mind when it prepared the rule and determined to eliminate.

Rule XXVIII, for the suspension of the rules, provides that these rules shall not be suspended except on the first and third Mondays and the last six days of the session. The discretion to recognize Members for that purpose has always been in the Speaker. When the rule for the Unanimous Consent Calendar was adopted, it was arranged that such business should take precedence over the motions to suspend the rules and to take from the Speaker all discretion over that class of business.

When it was proposed that a rule be framed to permit the discharge of committees from the consideration of bills, an effort was made to make a rule which would not work too easily, but which would operate as a moral force upon a committee when any bill had a substantial backing in the House, and at least compel consideration of bills shown to have substantial support in the House. Some time had to be set apart when motions to discharge committees should be considered. The rule was designed to take from the Speaker all control over such motions. Therefore it was provided that the motions should be entered in writing and filed with the clerk and entered upon the Journal, and that they should, or could, be called up at a certain definite time. The time fixed for such motions to be in order was on the first and third Mondays of the month, which are known as suspension days. These motions were made privileged over motions to suspend the rules; and the House can very easily understand when the motion was made privileged over the motion to suspend the rules the ordinary Member of the House would assume that it had been given a higher preference than any other motion under the rules except the motion to adjourn.

Mr. OLMSTED. Will the gentleman from New York permit an interruption of his argument and yield to me for a question?

Mr. FITZGERALD. Yes.

Mr. OLMSTED. Would not the motion of the gentleman from Iowa to go into Committee of the Whole House on the state of the Union to consider a general appropriation bill take precedence of a motion to suspend the rules?

Mr. FITZGERALD. Not necessarily.

Mr. OLMSTED. On any day?

Mr. FITZGERALD. It would except on the first and third Mondays of the month. The difference is this: The Speaker has the discretion to recognize for motions to suspend the rules.

Mr. NORRIS. That was the suggestion I wanted to make.

Mr. FITZGERALD. And if any gentleman attempted to intervene, with a motion that the House resolve itself into the Committee of the Whole to consider appropriation bills, the Speaker could decline to recognize for that purpose until the motion to suspend the rules had been disposed of. Nobody questions that that would be his right. If he preferred to exercise his discretion and recognize motions to consider other privileged bills, as the discretion is in him, nobody having an

absolute right to recognition to move to suspend the rules, the question would be entirely different.

The SPEAKER. Will the gentleman indulge the Chair to read from Hinds' Precedents, page 464, volume 8?

Mr. FITZGERALD. Which paragraph?

The SPEAKER. Near the top of page 64.

The privileged motion to go into the Committee of the Whole to consider revenue or appropriation bills may be made on a "suspension day," as on other days.

Mr. FITZGERALD. I have that precedent here and I shall read it.

The SPEAKER. That precedent is 20 years old.

Mr. FITZGERALD. I will read it. It is found in paragraph 3080, volume 4, Hinds' Precedents:

The privileged motion to go into the Committee of the Whole to consider revenue or appropriation bills may be made on a "suspension day," as on other days. On February 16, 1891, Mr. Bishop W. Perkins, of Kansas, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. Albert J. Hopkins, of Illinois, by way of a parliamentary inquiry, suggested the point of order that under the rules the day was set apart for motions to suspend the rules.

The Speaker, Mr. Reed, thereupon made the following statement:

The Chair desires to say, with regard to this matter, in order that the House may understand it, that the provision in the rule is that rules shall be suspended at no other time than on certain Mondays and during the last six days of the session. That is simply a permission for suspension of the rules upon those days; but it has been permissible upon proper occasions to allow the appropriation bills to be presented in order to test the sense of the House with regard to the order of business, and in the present condition of the public business, the Chair thought that the gentleman from Kansas [Mr. Perkins], ought to be recognized to make the motion to go into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills, and the Chair accordingly entertains and submits that motion, which is itself highly privileged.

Which simply confirms my statement that it is wholly within the discretion of the Chair. Had the Chair desired to decline to recognize the gentleman from Iowa [Mr. HULL] and to recognize some other gentleman to move to suspend the rules no one would have questioned the absolute right of the Speaker to have so acted.

The SPEAKER. The motion to go into Committee of the Whole is a privileged motion. It is now, as it was 20 years ago, in the power of a majority of the House to vote to go into the Committee of the Whole House on the state of the Union to consider this appropriation bill. By voting that motion down it is in the power of the House to go on and take up another privileged motion. The privilege attaching to the motion to discharge a committee only enables a majority of the House, between these two highly privileged matters, to work its will. The construction that the gentleman from New York insists upon shackles the majority of the House and puts it in the power of the minority to constrain the majority in its freedom of action.

Mr. FITZGERALD. Mr. Speaker, that is what has been happening right along lately. It has been said that it took me some little time to catch up with the procession, and I doubt if the Speaker has quite caught up. What was behind the movement to establish calendar Wednesday, resulting in the provision requiring a two-thirds vote to set it aside?

The SPEAKER. The rule expressly provided in that case—

Mr. FITZGERALD. I will come to that in a minute. It is a fact that it had been the practice in this House to use the appropriation bills to shunt out all other classes of business and to put Members either in the position of voting to consider an appropriation bill or of voting against the consideration of an appropriation bill. Members did not desire to be put in that position.

They desired certain fixed times at which certain classes of business should come up in the House for consideration. In order that the Speaker should not have any control over these motions—and I do not refer to the present occupant of the chair, but to whoever might be Speaker—it took from him, first, any control over the question of recognition and permitted the motion to be made by entering it in writing, regardless of the will of the Speaker; and, second, by taking from him all power or control over the order of recognition, by providing that Members should be recognized to call these motions up in the order in which the motions had been entered.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question?

Mr. FITZGERALD. Certainly.

Mr. SMITH of Iowa. The gentleman from New York was the sole author of the rule providing for general calendar Wednesday, was he not, or very nearly so, in its present form?

Mr. FITZGERALD. This is hardly a fact.

Mr. SMITH of Iowa. In its revised form?

Mr. FITZGERALD. I believe that I proposed an amendment, which was adopted, which required a vote of two-thirds of the House to set it aside.

Mr. SMITH of Iowa. If the absence of a requirement for a two-thirds vote made it possible to have calendar Wednesday set aside by the House, will the gentleman state why he inserted the two-thirds vote? Was it not a restriction upon the House?

Mr. FITZGERALD. Upon the power of the majority.

Mr. SMITH of Iowa. But, according to the gentleman's theory, this rule was much stronger, because it could not be set aside except by unanimous consent.

Mr. FITZGERALD. The gentleman is mistaken; it only required a majority to set it aside and it now requires two-thirds.

Mr. SMITH of Iowa. Did the rule expressly provide that a majority might set it aside?

Mr. FITZGERALD. It did.

Mr. SMITH of Iowa. Was it not exactly in the condition of the present rule, and when the gentleman from New York offered the amendment requiring two-thirds to set aside, was he not attempting to further strengthen the rule?

Mr. FITZGERALD. I was; yes.

Mr. MANN. Mr. Speaker, the amendment the gentleman from New York offered was that no rule should be brought in to set it aside.

Mr. FITZGERALD. That was one provision suggested by me; but there was another provision, that it should require a two-thirds vote to set aside business in order under the rule on Wednesdays. I remember the history of the rule. The gentleman from Michigan [Mr. TOWNSEND] and some of his associates proposed a rule at the close of the Sixtieth Congress to establish the so-called calendar Wednesday. It had a provision requiring a vote of two-thirds of the House to set that business aside in order to consider other business. The rule was reported and adopted with the two-thirds provision eliminated, and requiring only a majority to set it aside, and that was the reason I offered the amendment.

Mr. SMITH of Iowa. I ask the gentleman whether the requirement that a majority might set it aside was expressed in the rule?

Mr. FITZGERALD. I do not recall.

Mr. SMITH of Iowa. I ask the gentleman from New York if it was necessary to put the two-thirds provision in that rule why did not he suggest something of that kind when this rule was adopted by the House?

Mr. FITZGERALD. I am trying to explain the situation. I do not know what could be more explicit than giving these motions preference over motions to suspend the rules. I have heard it said that such motions to suspend the rules were motions to suspend all rules, although that is not a fact, and the statement has been modified at times. Motions to suspend the rules were in order on Mondays when the motions to discharge committees pending on the calendar were made in order, and any gentleman here would at least conclude that having given such motions preference over motions to suspend the rules, they had been given precedence over motions to intervene with a class of business subordinate to suspensions, particularly over motions which had unquestionably been used in this House to prevent Members readily reaching other classes of business.

Mr. SMITH of Iowa. Mr. Speaker, I can not follow the gentleman in the proposition that because the rule expressly gave these motions precedence over motions to suspend the rules, which were always discretionary as to recognition by the Speaker, that that gave them precedence over things which were privileged without reference to the will of the Speaker.

Mr. FITZGERALD. Mr. Speaker, perhaps I do not expect to convince the gentleman from Iowa. That would be even more than I would believe possible under the circumstances.

Mr. SMITH of Iowa. It is highly probable that that is true.

Mr. FITZGERALD. I do know, and the gentleman from Iowa knows, what was intended to be accomplished by the rule. I believe in putting that interpretation upon it which will carry out what the House intended at the time the rule was adopted; and it is much easier to do so, if it needs interpretation, than to wait until the gentleman and his associates on the Committee on Rules will be ready to report some amendments that will so shape the rule as to carry out the intent of the House.

It was intended, Mr. Speaker, and about that there is no doubt, that a definite time should be set aside in this House when motions to discharge committees should be considered. If the gentleman from Iowa and his associates on the Committee on Rules have been unfortunate in the language which they have employed in the preparation of the rule—

Mr. SMITH of Iowa. Unfortunate in accepting the language of the gentleman from Missouri [Mr. CLARK]?

Mr. FITZGERALD. If the gentleman and his associates, who refused to take the rule as prepared by the gentleman from Missouri, and put it in their own classic, clear, and definite language—

Mr. SMITH of Iowa. The language was never changed.

Mr. FITZGERALD. If they have failed for any reason to report a rule which does what was evidently the intention of the House, then there is no impropriety in the House doing what it did on another occasion, at the suggestion of the Speaker—putting a construction on this rule to give it the intended effect. At the suggestion of the Speaker the House did heretofore put a construction on the rule providing for the Calendar for Unanimous Consent, and there was no difficulty about it.

If the construction given to the rule providing for the discharge of committees by the Speaker be followed, then those who have imagined that any opportunity would ever be given to consider such motions have indulged in a very idle dream, because there will always be some gentleman like the gentleman from Iowa [Mr. HULL] ready with an appropriation bill to shut out such motions, as there has always been in the past some gentleman ready with an appropriation bill to offer that privileged motion, so as to prevent the House ever coming to a call of the committees.

I shall read what the Speaker said on the last suspension day, December 19, 1910, when another and almost similar question was before the House.

The gentleman from Illinois [Mr. FULLER] moves to suspend the rules, this being suspension day, and to pass the bill which has been reported from the Clerk's desk.

Now, the gentleman from Kentucky makes the point of order that the motion is not in order. It occurs to the Chair, if the gentleman will observe the rule, that the motion is in order unless a motion of higher privilege under the rules intervenes. As to when that motion of higher privilege should be presented is a matter for consideration. The Chair has to deal now with the rule which makes it in order on two days in a month to suspend all rules, which rule is to be construed with the rule which the gentleman has just read.

The motions to discharge the committee do not come up on their own instance, but on the call of Members. They are merely privileged motions. Perchance no Member desires to call up such a motion. If called up, perchance the House might not desire to second such a motion. But no gentleman has arisen and addressed the Chair and designated any motion which he wishes to call up, and in the absence of such action upon the part of a Member the Chair recognized the gentleman from Illinois. The point is made by the gentleman from Kentucky that it is not in order to move to suspend the rules. The Chair thinks it is clearly in order. But whether or not the House shall now proceed to consider that motion depends on whether or not a Member shall call up a motion having higher privilege.

If the construction now urged by the Chair be adopted, this is what will result: Suppose the gentleman from Iowa [Mr. HULL] rises for the purpose of being recognized to move that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the Army appropriation bill, and the gentleman from Nebraska [Mr. NORRIS] rises and requests recognition to move to suspend the rules to pass some bill. The Speaker under the rules could recognize the gentleman from Nebraska to move to suspend the rules. The gentleman from Iowa would have no remedy. The Speaker would be acting within the rule, and no appeal could be taken from his decision on a question of recognition. Then it would be in order for myself or any other Member to insist upon a preferential recognition over the gentleman from Nebraska to call up one of the pending motions to discharge committees, and such a demand could not be ignored by the Speaker.

If, instead of recognizing the gentleman from Nebraska, as he had a perfect right to do under the rules, to move to suspend the rules, the Speaker declined to do so, but recognized the gentleman from Iowa to move to proceed with the consideration of the Army appropriation bill, in order to test the sense of the House, then the motions to discharge committees could not be called up at all, and the result would be to put in the control of the Speaker the power to prevent motions of this character ever being called up. The House having voted down the motion to consider the Army appropriation bill would have accomplished little, as the Speaker could recognize some other gentleman to move some other privileged motion under the rules.

It would be very easy to occupy the entire day in voting down motions to consider these bills which are given a certain privilege under the rule. Mr. Speaker, beginning with the last Congress and still continuing, there has been under way a well-defined movement, and it has been to some extent operative, to shackle the majority in the House contrary to the well-expressed opinion of many that the House should have an arbitrary right at all times to determine what business should be

considered. The House can not by any vote prevent the call of the Calendar for Unanimous Consent.

A majority of the House can not dispense with business on calendar Wednesday, but two-thirds of the House are required to do so, and it was the intention of the House in adopting the rule under discussion that immediately after the Unanimous Consent Calendar should be disposed of, that if Members so desired the motions to discharge committees should be called up and should have a preference over all other classes of business on suspension day; and any other construction of this rule, whether the language of the rule be apt or whether it clearly expresses that purpose, will completely demolish the rule. It will be worthless. And since the Chair in the last session invited the House to put a construction upon the rule providing for a Unanimous Consent Calendar, two constructions, if I recall correctly, which made it workable and effective, it seems to me that this is a very desirable time to put a reasonable and intelligent construction upon this rule, which will not put it in the power of any occupant of the chair to make it ineffective, but will put in it really what was intended should be in it when the rule was adopted by the House.

One further suggestion. I am not responsible for the precise manner in which this question comes before the House. The refusal of the Chair to permit anything but a particular question of order to be made forces consideration in the present way. It has been said that the gentleman from Iowa was recognized to make a privileged motion. The motion which I desired to call up was pending, and no recognition was necessary to make it. The Speaker has no control over such motions. They do not depend upon the favor of the Speaker. They are entered in writing and filed with the Clerk. Once entered they are pending, to be called up at the appropriate time, not in the discretion of the Speaker or as a matter of favor, but as a right of the Member.

The rule provides for recognition to call them up in the order in which they are filed. All such motions are pending, once entered as provided in the rule. The Unanimous Consent Calendar being fixed and not possible of displacement, it is provided in the rule that "immediately" after unanimous-consent business is cleared away it shall be in order, not to make motions to discharge committees, but to call up such pending motions. It is clear from the rule that it was believed that consideration of such motions could be avoided only in one way; that is, by motions to suspend the rules in order on the days when these motions could be called up. To prevent such motions being sidetracked by motions to suspend the rules, they were given a preference over suspensions; given a preference over business which could be considered in preference to any other business, privileged or otherwise, the reasonable conclusion is that the motions could be called up to the exclusion of all other business.

I have no desire, Mr. Speaker, to occupy further time. The construction for which I contend, in my opinion, is the proper interpretation to be placed upon the rule. Any other construction makes the rule ineffective, and it was not the purpose of the House to adopt an ineffective rule. I reserve the balance of my time.

Mr. OLMSTED. Mr. Speaker, this is not a political or partisan matter, but simply one of parliamentary interest to the House. Now, the status, as I understand it, is this: When the Unanimous Consent Calendar had been completed the gentleman from Iowa [Mr. HULL], chairman of the Committee on Military Affairs, moved that the House go into the Committee of the Whole House on the state of the Union for the consideration of the general appropriation bill known as the Army appropriation bill. After he had been recognized and made that motion the gentleman from New York [Mr. FITZGERALD], who has just taken his seat, moved to take up another bill to discharge a committee from its consideration. The point of order being made against the motion of the gentleman from Iowa, the Chair overruled the point of order. We are now considering an appeal from that decision. I wish to call the attention in the first place to rule—

Mr. FITZGERALD. Will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. FITZGERALD. In order that the gentleman may get the facts straight in his narrative. The gentleman from New York endeavored to obtain recognition to call up a motion which it is insisted is of higher privilege than the motion of the gentleman from Iowa. The chair declined to entertain such a demand, but did permit the gentleman from New York to make a point of order against the motion of the gentleman from Iowa, and it is the only way the House could get the question before it.

Mr. OLMSTED. Well, that still does not change the situation as I stated it. The Chair first recognized the gentleman from Iowa, who made his motion. Afterwards the gentleman from New York claimed the floor, stating that he desired to make a motion which he claimed to be of higher privilege. He finally made a point of order against the motion of the gentleman from Iowa. Now, the gentleman from New York claims that his motion to discharge a committee from the consideration of a certain bill has precedence, because Rule XXVIII, paragraph 4, as amended, says that—

Such motions shall be in order after the Unanimous Consent Calendar had been completed.

But now the rule under which the gentleman from Iowa made his motion is paragraph 9 of Rule XVI, which says that—

At any time after the reading of the Journal it shall be in order for the House to move to resolve itself into the Committee of the Whole House on the state of the Union to consider a general appropriation bill.

"At any time" after the reading of the Journal. Now, take these two provisions just by themselves. One is that a motion to discharge a committee shall be in order at this time; the other says that the motion of the gentleman from Iowa shall be in order at any time. Now, how can it be said that the motion to discharge a committee has precedence to take away from the consideration of the House a question which has already been submitted by a gentleman who has been recognized for that purpose to go into the Committee of the Whole House on the state of the Union for the consideration of a general appropriation bill? It seems to me, from the reading of these two provisions, that the appropriation bill has the greater privilege.

Now, let us look a little further and examine these new rules. Here is paragraph 3 of Rule XIII, in regard to the Calendar for Unanimous Consent, printed on the second page of all the calendars lying on our desks. Just see how emphatic that is:

On days when it shall be in order to move to suspend the rules, the Speaker shall, immediately after the approval of the Journal, direct the Clerk to call the bills upon the Calendar for Unanimous Consent.

It says the Speaker "shall" do it. It does not even require a motion; the rule imposes that arbitrary duty upon the Speaker.

Now, that is that rule. Then we get down to the paragraph of section 26 which says:

On Wednesday of each week no business shall be in order, except, etc.

There is a direct, positive command of the rule. No business shall be in order except that which we now know as calendar Wednesday business.

Again, it says:

It shall not be in order for the Speaker to entertain a motion for a recess.

There are direct, positive commands which ride over every other provision of the rules; but when we come down to this rule providing for motions to discharge committees we find nothing of the kind:

Immediately after the Unanimous Consent Calendar shall have been called on any Monday—

What does it provide? Not that the Speaker shall recognize Members to call up motions to discharge the committee or that any calendar motions to discharge the committee shall be considered, but simply that it shall be in order to call up any such motion. Under the rule I have quoted it is in order at any time to call up an appropriation bill.

Now, read further. This same rule says:

Such motions shall have precedence over motions to suspend the rules.

Why put that in if they have precedence over appropriation bills and everything else?

Mr. FITZGERALD. Will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. FITZGERALD. Does not the gentleman know that, it being suspension day, the motion to suspend the rules even suspended that rule, unless otherwise definitely provided?

Mr. HULL of Iowa. Does the gentleman hold that even on suspension days a motion to suspend the rules has precedence over a motion to go into the Committee of the Whole to consider an appropriation bill?

Mr. FITZGERALD. The Speaker has exercised his discretion, under the rules, and has recognized motions to suspend the rules in preference.

Mr. HULL of Iowa. Time after time suspension day has been set aside by this motion, and it never has been questioned before that a motion to go into Committee of the Whole was not a motion of higher privilege.

Mr. FITZGERALD. That is because the Speaker entertained that motion; but the gentleman has no right, as he has on any other day, to compel the Speaker to recognize him for

his motion if the Speaker prefers to recognize somebody to move to suspend the rules.

Mr. HULL of Iowa. Is it not true that on suspension days there has been an adjustment, so far as possible without delay, in order to let other men in with their measures, and never as a matter of right, but as a matter of courtesy? But the motion to go into committee on an appropriation bill is of higher privilege.

Mr. FITZGERALD. Now, if the gentleman will permit me: On any days except Wednesday and Monday, if the gentleman demands recognition, after the reading of the Journal, to move that the House resolve itself into Committee of the Whole House on the state of the Union to consider an appropriation bill, he is entitled to recognition, and the Speaker must submit the motion, but he can not compel the Speaker to submit such a motion on the first and third Mondays of the month if the Speaker prefers to entertain a motion to suspend the rules. And those motions having the higher privilege in the practice of the House, the design of the committee and of the House, as I understand it, was to give these motions a privilege over business having the highest privileged status.

Mr. HULL of Iowa. Always in the past history of this House, I think, without exception, and if there is one the gentleman from New York [Mr. FITZGERALD] will certainly know of it, there never has been a question raised that the motion to go into Committee of the Whole House on the state of the Union on suspension Monday was not of higher privilege than that of the suspension of the rules.

Mr. FITZGERALD. The gentleman is mistaken. The trouble is that no Member has any right to be recognized to move to suspend the rules, and unless the Speaker determines to recognize a Member that question could never be brought up.

Mr. HULL of Iowa. My proposition is that when any Member of the House in charge of an appropriation bill which, under the rules is in order to be brought before the House at any time after the reading of the Journal, has insisted on his rights on the suspension days, he has always been recognized by the Speaker.

Mr. FITZGERALD. The gentleman is mistaken, because those motions have always been made after an arrangement or understanding with the Speaker and those in control of the business of the House. The motion to suspend the rules suspends the very rule which is a privileged status to appropriation bills.

Mr. HULL of Iowa. It was an act of courtesy on the part of the man controlling the appropriation bill; and I am not mistaken.

Mr. NORRIS. Will the gentleman permit me? I would like to state that I think the gentleman from Iowa is in error, because he does not assume, which he ought to do, that the right of a Member to move to suspend the rules depends upon the discretion which the Speaker has under the rules of recognizing him to move to suspend the rules. So, on a suspension day, if the Speaker did not see fit to recognize anybody to suspend the rules, there could not be any suspension, and if the gentleman's theory was right, that a motion to go into Committee of the Whole to consider an appropriation bill would not be in order then, it would simply mean that nothing could be done on that day if the Speaker refused to recognize somebody to suspend the rules.

But he does have a right to permit a motion to suspend the rules to be made, and if he does, it takes precedence of course over every other motion. It is in the discretion of the Speaker entirely.

Mr. HULL of Iowa. The Speaker has no discretion if a Member in charge of an appropriation bill demands recognition on the motion to go into Committee of the Whole; he is entitled to it.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. NORRIS. Does the gentleman claim that the Speaker does not have the discretionary right to recognize a Member to suspend the rules?

Mr. HULL of Iowa. As between Members wanting to make a motion to suspend the rules, he has; but he has no discretion whatever about refusing recognition to a Member making a motion on a question of higher privilege on an appropriation bill.

Mr. NORRIS. The gentleman will find no one can compel the Speaker to recognize him on a motion to suspend the rules, even on suspension days.

Mr. HULL of Iowa. But he can be compelled to recognize a motion to go into Committee of the Whole for the consideration of an appropriation bill.

Mr. FITZGERALD. The gentleman is mistaken; and Mr. Reed held to the contrary.

Mr. HULL of Iowa. Oh, no.

Mr. OLMSTED. Mr. Speaker, I desire to call attention now to the rule providing for suspension of the rules. It does not make a holy day. It does not make an arbitrary provision for any particular day, like calendar Wednesday.

Paragraph 1, Rule XXVIII, says:

No rule shall be suspended except by the consent of two-thirds of the Members voting, a quorum being present; nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month.

He is permitted to recognize a motion to suspend on those days and forbidden to entertain the motion on any other day. The rule for the discharge of committees is: Such motions shall have precedence over a motion to suspend the rules; a motion to go into Committee of the Whole House on the state of the Union to consider a general appropriation bill has privilege over a motion to suspend the rules. It has always been so held.

Mr. FITZGERALD. Does the gentleman contend that a motion to consider an appropriation bill has precedence over a motion to suspend the rules on the first and third Mondays?

Mr. OLMSTED. The motion to go into the Committee of the Whole House on the state of the Union is in order at any time after the reading of the Journal unless prohibited.

Mr. FITZGERALD. That does not answer the question.

Mr. NORRIS. Will the gentleman permit?

Mr. FITZGERALD. Has the gentleman the right to be recognized for that motion to-day in preference to any Member whom the Speaker desires to recognize for a motion to suspend the rules?

Mr. OLMSTED. When a gentleman has been recognized to make a motion to go into Committee of the Whole House on the state of the Union to consider a general appropriation bill, no Member can take him off his feet or take precedence of that motion by a motion to suspend the rules.

Mr. FITZGERALD. That is not the question.

Mr. OLMSTED. That is the question before the House to-day.

Mr. FITZGERALD. No; it is not. The gentleman is not answering the question that I asked him. Would a gentleman here have the right to take anybody whom the Speaker recognized off his feet if the two motions were submitted together?

Mr. OLMSTED. If it were possible for two gentlemen to make motions simultaneously, it would probably be in order for the Speaker to recognize the gentleman to make the motion to go into Committee of the Whole.

Mr. FITZGERALD. I do not think so.

Mr. OLMSTED. But the gentlemen did not rise together. The Chair had recognized the gentleman from Iowa to make the motion to go into the Committee of the Whole House on the state of the Union on a general appropriation bill, and was putting the question when the gentleman from New York claimed the right to supersede that motion by another, to discharge a committee. My belief is that there is nothing in Rule XXVIII, paragraph 4, on a motion to discharge committees, which gives him that privilege, and compels or even authorizes the Speaker to recognize him at that point to displace a motion already made by a gentleman he had recognized to move to go into Committee of the Whole House on the state of the Union. That is not the purport of that rule at all. This rule simply intended to make it "in order." It is not arbitrary, like those rules for the Unanimous Consent Calendar and calendar Wednesday. It does not absolutely command. It simply says such motions shall be in order, and shall take precedence over a motion to suspend the rules; but as to other motions, it does not change the privileged status of general appropriation bills.

Mr. FITZGERALD. Does the gentleman believe it is necessary for me to make the motion? It is not. The motion is pending. The motion is already made in writing and filed, and the rule provides when the motion is in order and when it can be called up; and then it has higher privilege than the other.

Mr. OLMSTED. A Member always has to be recognized to call up anything. The Speaker is not commanded to take up the calendar for the discharge of committees—

Mr. GARRETT. Will the gentleman permit a question?

Mr. FULLER. Will the gentleman allow me to ask him a question?

Mr. OLMSTED. I yield to the gentleman from Tennessee.

Mr. GARRETT. Does the gentleman think that the question of the time of the adoption of these respective rules enters properly into their construction?

Mr. OLMSTED. Not unless there is something in the rule itself which indicates an intention to repeal or supersede some prior rule.

Mr. GARRETT. Does the gentleman doubt that the intention of this paragraph 4 of Rule XXVIII was to enable the House to take a bill away from an adverse committee?

Mr. OLMSTED. It was to do just what the rule provides—to afford an opportunity, under certain conditions in precedence of motions, to suspend the rules on suspension day.

Mr. GARRETT. The gentleman does not think then that the fact that the prior rule was adopted before this indicates that it is repealed by the adoption of this rule?

Mr. OLMSTED. I do not think so. Otherwise you would have no end of questions arising—

Mr. GARRETT. Or modified by the adoption of this rule?

Mr. OLMSTED. I do not think the rule as to privilege for appropriation bills was modified by this rule, paragraph 4 of Rule XXVIII.

Mr. FULLER. Mr. Speaker, is there not a well-known rule of legal construction that absolutely settles this question, and that is that the inclusion of one thing excludes the others which are not so included; and when this rule declares that such motions shall have precedence over motions to suspend the rules, is it not equivalent to saying that they shall not have precedence over motions to go into the Committee of the Whole on an appropriation bill or any other privileged motion?

Mr. OLMSTED. That is a well-known rule of legal construction.

Mr. FULLER. That the inclusion of one is the exclusion of the other, and is equivalent to saying that this motion shall not have precedence over the other privileged motions.

Mr. OLMSTED. That is just the point I was proceeding to make, that they did say in this rule that such motions shall have precedence over motions to suspend the rules, but they did not say that such motions shall have precedence over motions to go into the Committee of the Whole House on the state of the Union to consider a general appropriation bill, which motions always have been privileged.

Mr. FULLER. And that is equivalent in law to saying that they shall not.

Mr. SAUNDERS. Mr. Speaker, I voted against the motion to lay this appeal on the table, because I do not believe that is the proper parliamentary way to dispose of an appeal from the ruling of the Speaker on a question of order. I desired to see this question brought before the House so that it might be disposed of on its merits. It is now before us in that form. The ruling of the Chair is plainly right, and the action of the Speaker should be sustained by the House.

Suppose we look at the rule for a minute. The rule says that motions to discharge a committee shall have precedence over motions to suspend the rules. Thus far and no farther goes the rule. But in spite of the limitations of the language used it is claimed that the rule has a much wider significance and should be interpreted to give precedence to the motion to discharge over other motions not therein enumerated, even though those motions are of a highly privileged character and entitled to precedence over the motion to suspend the rules.

What does the rule say? In part it is as follows:

Such motions shall have precedence over motions to suspend the rules.

Now, we ought to interpret our rules according to the canons of legal and parliamentary construction, so that our precedents may be authoritative and binding at all times. Such will not be the case if these rules are disregarded for present purposes. There is a principle known to all lawyers, that the expression of one thing is the exclusion of another—*expressio unius, exclusio alterius*—and if it was intended that this rule should have the wide significance that is now sought to be given to it on the part of some of the gentlemen participating in this debate, it may well be asked, Why was it that the rule itself did not so provide in apt and appropriate terms? When the rule declares that the motion to discharge shall have precedence over motions to suspend the rules, it thereby, in effect, declares that its precedence shall be limited to these motions. Are there other motions that have precedence over the motion to suspend the rules? Unquestionably there are. This being so, how does it follow, as a matter of proper interpretation, that a rule which merely says that motions to discharge a committee shall have precedence over motions to suspend the rules must be construed to afford to the motion to discharge precedence over other motions which are of a higher privilege than the motion to suspend?

The rule certainly does not provide for this result in terms, and there is nothing in the language used to make this a necessary and inevitable conclusion. If the motion to suspend took precedence over the motion to go into Committee of the Whole to consider an appropriation bill, then the motion to discharge would inevitably take precedence over the motion to go into

Committee of the Whole, since the rule accords to the motion to discharge, precedence over the motion to suspend.

Mr. FITZGERALD. Will the gentleman yield?

Mr. SAUNDERS. I will yield to the gentleman.

Mr. FITZGERALD. Will the gentleman name any motion that is of higher privilege than a motion to suspend the rules?

Mr. SAUNDERS. It has been admitted in the discussion to-day—

Mr. FITZGERALD. Not admitted; the ruling of Speaker Reed is not that they are of higher privilege, but that on certain occasions they are permissible.

Mr. SAUNDERS. I submit that the precedent of Speaker Reed is sufficient for the conclusion that the motion to go into Committee of the Whole, when recognition is afforded to make the motion, is one of higher privilege than the motion to suspend the rules.

Mr. FITZGERALD. It holds exactly the opposite.

Mr. SAUNDERS. It is one of higher privilege if the Member secures recognition, and as I understand the situation recognition was extended, and therefore the gentleman who made the motion to go into Committee of the Whole House on the state of the Union, fairly brought himself within the precedent of Mr. Speaker Reed, which is that on suspension day the House, if the motion is made, can go into Committee of the Whole if it so wills. Recognition to make this motion has been extended, so that the motion is properly before the House, and the fact that this is suspension day does not hinder it from taking precedence over a motion to discharge a committee. Mr. Speaker Reed is certainly authority for this proposition.

Nothing in the rule makes the motion to discharge the committee one of higher privilege than the motion to go into Committee of the Whole for the purpose indicated.

The SPEAKER. Will the gentleman from Virginia yield for a suggestion from the Chair? It has been held uniformly since the day of Samuel J. Randall as Speaker of this House, by Speaker Crisp, Speaker Reed, and Speaker Henderson, uniformly, that on suspension day a motion to suspend the rules depends purely on the recognition by the Speaker. But on certain privileged matters, like going to the consideration of appropriation or revenue bills, the Chair can not decline to entertain a motion, and that has been the uniform practice.

Mr. SAUNDERS. I understand, Mr. Speaker, that that is true, though the proposition is denied by the gentleman from New York, but I do not think it is necessary to advert to those precedents, for the simple reason that the gentleman from Iowa was recognized to make this particular motion. I for one think the gentleman from New York is in error in the construction given to Speaker Reed's ruling, and I agree with the proposition just stated by the Chair. But undoubtedly it is true that on suspension day, though the Speaker may use his discretion in recognizing Members to move suspensions, and may not recognize a Member to make a motion to go into Committee of the Whole, yet if recognition is extended and the motion is made, the vote must be taken on that motion, to the exclusion of the motions to suspend. Now the gentleman from Iowa was recognized, and made the motion to go into Committee of the Whole. That being true, but one question remains to be determined, and that is whether a provision in the rule merely giving the motion to discharge precedence over a certain limited class of designated motions shall be construed to give it precedence over a privileged matter, like going into the consideration of an appropriation bill in the Committee of the Whole.

If this rule was intended to have this meaning, why did it not say so, and why was not the rule so written? It would have been easy enough to say that on the days indicated in the rule nothing else should be in order until the motion to discharge were disposed of, or that the motion to discharge should take precedence of all of any given number of indicated motions. I know that a law may be construed to have a certain meaning, either as the result of the express terms used or by necessary implication. But what is there in the language of this rule which would make the meaning sought to be imposed upon it either a matter of necessary implication or direct prescription? It would be far better, if we wish to have a rule carrying this meaning, to bring in an amended rule which would clearly express what my colleagues say the rule should be construed to mean, rather than to strain parliamentary law and the canons of interpretation by giving to this specific rule an interpretation which can not fairly and logically be imposed upon it.

Mr. NORRIS. Mr. Speaker, while I claim no part of the authorship of this rule to discharge the committees, I believe it was brought in here by the Committee on Rules in good faith and passed by the House in good faith. I would like to see such a construction put on it, if possible, to make it a working rule. There are some other respects in which

it needs amendment, without doubt, if the construction that has so far been placed upon it is correct; but that does not mean that we should not to-day, in passing upon this question, take into consideration all of the circumstances which surround the situation. I believe it should be the duty of the House to put such a construction on this rule, in connection with the other rule that has been referred to by the gentleman from Pennsylvania and other gentlemen—paragraph 9 of Rule XVI—so as, if possible, to give effect to both rules; and if it will not be any injury to the ordinary terms of the English language to do this, we ought to put that kind of a construction on it. Now, let us see; the gentleman from Pennsylvania says that paragraph 9 of Rule XVI has the same wording in regard to motions to go into Committee of the Whole for consideration of appropriation bills.

Now, that is true. Let us put a construction on these two quotations from the rules that will give effect to both of them. If the gentleman's construction and the construction given by the Speaker to this rule to discharge committees prevails, then it nullifies that rule. If the other construction is given, it will give life and vitality to both rules, as I shall show. This particular rule provides as follows:

Immediately after the Unanimous Consent Calendar shall have been called on any Monday it shall be in order to call up any such motion, etc.

In the first place, if it can not be called up then, it can never be called up; and if it is to be shut out at that particular time by a motion to go into Committee of the Whole House on the state of the Union to consider a privileged bill or motion, then it is always nullified, and all of its life and vitality is gone. On the other hand, that same language in paragraph 9, Rule XVI, applying to a motion to go into Committee of the Whole, will apply to practically all of the other days of the week; and if it is excluded from consideration at this particular time, it still has life and vitality against nearly all of the balance of the days of the week. So that that construction would give life and vitality to both rules. Now, it has been argued that because this rule to discharge committees states that the motion to discharge shall have precedence over motions to suspend the rules, and so forth, therefore the only proper construction to be placed upon it is the one that the Speaker has given to it, because of the familiar rule of construction that where some things are specifically included the things not mentioned are therefore excluded.

Ordinarily that is a good rule of construction, but if we consider what I have called your attention to, that this particular rule can apply only on a particular day, and only part of that day, and that day suspension day, it would be necessary, therefore, in drawing this rule to say whether motions of this kind or motions to suspend the rules should have precedence, and that is the reason for this specification. As has been said, a motion to suspend the rules is one that lies entirely and alone within the discretion of the Speaker. He can either recognize or not, and it is not necessary for him to give any reason for his action.

Now, then, if we give the construction that the other gentlemen are trying to give to this rule, and that the Speaker has given to it, it would eliminate all the life and vitality of the rule that can only be taken up on a particular day and on a particular part of that day; and if this particular language was not put in this rule the Speaker would then have the power to take up the entire day recognizing Members to make motions to suspend the rule.

The SPEAKER. Will the gentleman allow the Chair to interrupt at that point?

Mr. NORRIS. Certainly.

The SPEAKER. After the House has once expressed itself, as in this case, on the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of an appropriation bill, the records of the House will fail to show any similar case where the Speaker has attempted to defeat the action of the House, in declining to consider the privileged motion for the purpose of defeating the will of the majority; and the Chair believes that no Speaker ever has or ever will trifle with the House in that way.

Mr. NORRIS. That may be true; but that does not do away with the fact that if he could get Members enough to make motions to suspend the rules and the construction of the present occupant of the chair should be followed he could kill this rule as dead as a door nail.

The SPEAKER. The Speaker could arbitrarily, probably, have the power to direct the officers at the desk to record something that is against the will of the majority of the House. The Speaker could, if he disregarded his oath of office and forgot

that there was always a majority of the House that could not only discipline the Speaker but remove him, follow the rule or practice that has been observed in more than one State legislature, namely, disregard the provision of the Constitution that one-fifth may call for the yeas and nays and pass bills, as it has been called, by "gaveling" them through, but such an incident, so far as the Speaker of the House is aware, has never occurred, be it said to the honor and fidelity of the House of Representatives in its whole history.

Mr. NORRIS. Mr. Speaker, the Speaker forgets that I am discussing now the particular words in this rule, as follows:

Such motions shall have precedence over motions to suspend the rules, etc.

Suppose those words were eliminated and were not in this rule. Let us see whether it would be necessary to resort to any of the tyrannical methods that the Speaker suggests in order to nullify this rule.

The SPEAKER. If the gentleman will allow the Chair there. If those words were not in the rule, it would present a different question from the one which is now being discussed.

Mr. NORRIS. Those are the words I am discussing.

The SPEAKER. But they are in the rule, and the Chair on a former occasion on account of their presence ruled that a motion to call up a bill for the discharge of a committee took precedence over a motion to suspend the rules when the rule was invoked.

Mr. NORRIS. And rightly so, I think. But the question has arisen, what is the object of putting this language in the rule, and that is what I am discussing—what is the object of putting this particular language in the rule. Let us see what the rule would be if the words were left out. If they were not there, then the Speaker would have it within his power to nullify and take all the vitality out of this rule to discharge committees, and it would not be necessary, as the Speaker has indicated, to resort to any method that is even dishonorable. What would happen? There are always more Members who want to make motions to suspend the rules than can possibly be heard if the Speaker wanted to recognize all of them. He could commence on that day to recognize Members to make motions to suspend the rules and thus take up the entire day and nullify the rule entirely. That is the reason this language is put in the rule.

Mr. OLMSTED. Will the gentleman permit me a question?

Mr. NORRIS. Certainly.

Mr. OLMSTED. Does the gentleman contend that the language, "it shall be in order to call up such motion," gives it precedence over a motion to call up an appropriation bill?

Mr. NORRIS. I do. That is the question that is before the House now.

Mr. OLMSTED. Then why should it not take precedence of a motion to suspend the rules? It is not a question of privilege, and never has been.

Mr. NORRIS. But it can only occur on suspension day. That is the only day you can move to suspend the rules. Even though the Speaker is willing to recognize you, you can not move to suspend the rules on any other day.

Mr. FITZGERALD. You could have suspended the entire rule.

Mr. NORRIS. If you had not had it in you could have moved to suspend this rule.

Mr. OLMSTED. But a motion to suspend the rules is not a privileged motion, and a motion to go into the Committee of the Whole House on the state of the Union is.

Mr. NORRIS. A motion to suspend the rules—

Mr. OLMSTED. Is not privileged even on suspension day.

Mr. NORRIS. It is in order on that day; it is privileged if the Speaker recognizes you. It is within the Speaker's discretion; he can do as he sees fit about that.

Mr. OLMSTED. Why could not he then, if he can do as he saw fit, between recognizing a gentleman to move to go into the Committee of the Whole House on a general appropriation bill and another gentleman who rose to move to discharge a committee, why could not he use his discretion between a motion to move to suspend the rules and a motion to go into the Committee of the Whole on an appropriation bill? Why not between two such motions as that?

Mr. NORRIS. Because this rule, as I construe it, and as I have tried to make myself plain, puts it beyond the power of the Speaker to use any discretion. Now, I want to call to the attention of the House something which has not yet been mentioned and which conclusively shows the ruling is wrong. I will read the rule which the gentleman from Pennsylvania cited in support of the Speaker. Paragraph 9, Rule XVI, says:

At any time after the reading of the Journal it shall be in order—

Now listen—

by direction of the appropriate committees to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

Now, I want to call the attention of the House to this fact, that there is no motion pending that is made in behalf of any committee of the House or by direction of any committee. The gentleman from Iowa—

Mr. HULL of Iowa. The gentleman is mistaken. The Committee on Military Affairs passed this bill as their bill and the construction has always been that the committee's instruction is to take it up whenever it is in order.

Mr. NORRIS. That may be; but the record of the House that is before us is all we have to take into consideration, and I call the attention of the House to the fact that up to this time there has never been a claim made that this motion was made under instructions of the Committee on Military Affairs and there is not anything in the record to show it.

Mr. HULL of Iowa. It is not the bill of the gentleman from Iowa; it is the committee's bill.

Mr. NORRIS. Every bill is a committee bill that has been passed on by the committee. It is the same with this bill as any other bill that has been formally reported. Why, the RECORD will show the gentleman from Iowa introduced this bill. The RECORD will show that the gentleman from Iowa [Mr. HULL] introduced this bill and that his name is attached to it.

Mr. HULL of Iowa. No; it will not. I said that by the direction of the Committee on Military Affairs I reported this bill.

Mr. NORRIS. All right; and every report is made by the direction of some committee or a part of some committee. There never was one made here that was otherwise. I want to ask the gentleman if, when he made his motion, he put into the RECORD that it was made under instructions from the Committee on Military Affairs.

Mr. HULL of Iowa. No; and it never is. We have considered the bill for two days. It is the committee bill, prepared by the committee, and the contention of my friend from Nebraska, I think, started from his allies on the other side of the House.

Mr. NORRIS. The motion of the gentleman from Iowa as made is not privileged under any circumstances, regardless of all these other propositions. But I do not care to consider it on that, because I think these other considerations are the ones that ought to prevail.

Mr. PAYNE. Mr. Speaker, this last point made by the gentleman from Nebraska [Mr. NORRIS] of course has no force unless a point of order was made at the time against the gentleman from Iowa [Mr. HULL] when he made the motion, and upon his statement then, of course, the point of order would have been overruled, because the fact is that he was directed by his committee.

Mr. NORRIS. The point of order was made.

Mr. PAYNE. Not that it was not by the direction of the committee?

Mr. NORRIS. No; that was not made.

Mr. PAYNE. Now, Mr. Speaker, Rule XXVI, paragraph 3, provides:

The second and fourth Mondays of each month, after the disposal of such business on the Speaker's table as requires reference only, shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by such committee.

Language could not be more explicit or more definite, making the business of the District of Columbia immediately after the disposal of business on the Speaker's table, which requires reference only, in order when claimed by the committee, and yet ever since that rule was adopted, in 1870, this Rule XVI, if that is the rule in reference to revenue and appropriation bills, was held to take precedence. A motion made under this rule was held to take precedence over the motion of the Committee on the District of Columbia. Unless a motion to go into Committee of the Whole on the state of the Union was voted down the Committee on the District of Columbia could not claim the day. Every Member of the House knows that—every Member who has seen our genial friend from Michigan [Mr. SMITH] tremble on the Mondays set aside for consideration of business on the District Calendar for fear of a motion being made to take up an appropriation bill.

The first of those new rules was a rule that set apart a day, namely, Wednesday, for the consideration of certain business, and I want to recur to that to show to this House that when they desire to give business precedence over all other business, the House adopt the proper language and put it into a rule to secure that object. Rule XXIV, paragraph 4, says:

After the unfinished business has been disposed of the Speaker shall call each standing committee in regular order—

And so forth. That was the old rule. Now, the amendment is:

On Wednesday of each week no business shall be in order except as provided by paragraph 4 of Rule XXIV, unless the House, by a two-thirds vote on motion to dispense therewith, shall otherwise determine.

No business shall be in order except this business that is provided for, namely, a call of the committees on this calendar Wednesday. That question has been raised here once or twice, but the House almost unanimously decided that no business was in order, as the rule provided, and that nothing could set aside the order of business under this calendar Wednesday rule, whether an appropriation bill or anything else. The House thus set apart one day in each week for the consideration of bills on the calendar on the call of the committees. They had already disposed of this one day on which a motion to go into Committee of the Whole to consider a revenue bill or an appropriation bill should not take precedence of this business. Afterwards this rule was considered by the Committee on Rules—the new committee—a committee elected by the votes of this House as being the most expert parliamentarians in the House. Did they intend that no other business should be in order except this particular business which is invoked now, to wit, the call of the motion calendar to dispense with the cases on the motion calendar?

If they did so, they would have put in the language proposed in the former rule, that no business should be in order except this. Instead of that, they adopted the language in the rule providing that the other Monday should be set apart for the District of Columbia business. When the District of Columbia claims it, then they have the floor, according to the rule. Then it shall be in order to take up their calendar. Instead, it has been uniformly held that these appropriation bills had precedence over that motion made by the chairman of the Committee on the District of Columbia. What did they put in this rule?

Immediately after the Unanimous Consent Calendar shall have been called on any Monday it shall be in order—

It shall be in order—

to call up any such motion which shall have been entered at least seven days prior thereto.

Why, if this House had any idea of making this a binding rule, of making this a "holy" Monday like unto the "holy" Wednesday, why did they not say, "No business shall be in order except this particular business on a call of this calendar?" It seemed to me after the ruling of the Speaker and the reading of these rules, that the case was too plain for argument; and therefore I moved to lay the appeal on the table. I think that is where it ought to have gone. But it seems to me, in the light of this discussion, it has grown more plain, and no man need err when he reads these three rules and considers the practice of the House in construing them.

Mr. MANN. Mr. Speaker, the rules have a number of provisions in them with reference to the order of business:

On Friday of each week, after the unfinished business has been disposed of, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and if this motion fails, then public business shall be in order as on other days.

One might think that would shut out a motion to go into Committee of the Whole House on the state of the Union for the consideration of an appropriation bill, because it provides "it shall be in order to go into Committee of the Whole House on private business," and "if this motion fails, then public business shall be in order as on other days." And yet the uniform construction of this rule has been that it does not shut out a motion to go into Committee of the Whole House on the state of the Union for the consideration of an appropriation bill. Another rule provides:

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by the House.

That shows the method by which the order of business may be determined. The gentleman from New York [Mr. PAYNE] has already called attention to the rule in reference to District of Columbia day, where it purports to say that the District Committee shall have the right of way on those Mondays, "when claimed by the Committee on the District of Columbia, set apart for the consideration of such business as may be presented by said committee;" and yet the universal ruling has been that the District of Columbia Committee has no privileges as against the motion to consider an appropriation bill or a revenue bill.

Now, what is the rule pending before us? I will admit that the matter is not entirely free from difficulty. The rule provides that unanimous consent shall be considered immediately after the reading of the Journal; and no one pretends, I think, that that can be dispensed with, certainly not on suspension

day. Of course anybody has the right to object to any bill presented the moment the title of the bill is read or the number read, for that matter.

Now, this rule provides that "immediately after the consideration of the Unanimous Consent Calendar it shall be in order," and that such a motion shall take precedence over a motion to suspend the rules.

The gentleman from Nebraska, I think, is correct in stating that the reason for the insertion of that provision is that the Speaker through recognizing a motion to suspend the rules might consume the entire Monday.

Now, let us see what the proposition is:

On suspension day, under the construction of the rules, the Speaker has the right to recognize or not recognize, as he pleases, for a motion to suspend the rules. It was a proper provision in the rules that the Speaker, through recognizing different Members of the House, or perhaps recognizing only one Member of the House, time after time on different bills, should not be permitted to prevent the consideration of the Discharge Calendar. But does it follow, according to that reasoning, that therefore the House can not dispense with the Discharge Calendar for a day? Take the proposition that is involved in the rule. It is that no committee can be discharged unless a majority of the membership of the House votes to discharge that committee. Of course, that absolutely winds the House up so far as transacting business is concerned, unless that is a quorum of the House present. You can do no business in discharging committees without a quorum being present.

But suppose the House meets the situation where it has a few more than a quorum present and concludes that it is absolutely impossible to obtain a majority of all the Members of the House in favor of any motion to discharge a committee on that particular day, as it concluded awhile ago that it was impossible to pass any bill on the Unanimous Consent Calendar, and my friend from New York [Mr. FITZGERALD] then moved that the House adjourn, and the gentleman from Mississippi [Mr. CANDLER] followed it up with another motion to adjourn. Why? Because they saw that it was not possible to pass any bill on the Unanimous Consent Calendar. Now, the situation may readily occur in the House where, under this motion to discharge committees on some particular day, it becomes patent that no majority of all the membership of the House can be secured in favor of any motion of that kind. What can the House do then? Go ahead and vote down motions, which can be put on the next calendar? There is nothing to prohibit the same motion being put on for the following suspension Monday. Shall the House go ahead and spend its day voting down motions which it knows can not prevail, or adjourn, or go on and transact some other business? The ruling of the Speaker now gives to the House—not to the Speaker under the power of recognition for suspension, but to the House—the right to say that if it meets a contingency where it concludes it can do no business under the Discharge Calendar it can move to another order of business. If the motion to go into Committee of the Whole is not in order, then no other motion is in order except a motion to adjourn or the motions on the calendar to discharge committees. I ask my friend from New York [Mr. FITZGERALD] what other motion would be in order?

Mr. FITZGERALD. The call of committees.

Mr. MANN. Why, not at all. The motion to go into Committee of the Whole takes precedence of the call of committees.

Mr. FITZGERALD. I state to the gentleman that, in my opinion, there is no other business in order in preference to these motions to discharge committees, if anyone calls them up.

Mr. MANN. But the gentleman has made a point of order now that the motion to go into Committee of the Whole for the consideration of appropriation bills is not in order.

Mr. FITZGERALD. The gentleman will permit me to say that I was put in that position against my will, and I do not think—

Mr. MANN. If the gentleman will permit me to proceed with my speech—

Mr. FITZGERALD. I thought you invited my remark.

Mr. MANN. I did not invite it.

Mr. FITZGERALD. It will not hurt your speech at all. [Laughter.]

Mr. MANN. I am perfectly willing to admit that the question before the House in construing this rule is not merely the point of order as to whether the motion made by the gentleman from Iowa [Mr. HULL] was in order, but the question in construing the rule is whether any gentleman who has a motion—and I have the first one and hence would have prior right—having the first motion on the calendar for the discharge of committees, can call up my motion, as against any other motion that can be made in the House by any Member? Now, I ask my

friend from Nebraska [Mr. NORRIS] if he can give me any motion which, in his opinion, can be made as against my calling up my motion to discharge the Committee on the Post Office and Post Roads?

Mr. NORRIS. I think nothing but a motion to adjourn. I think that is the intention of the rule.

Mr. MANN. I agree with the gentleman that that is the question here presented, whether under this rule it was intended to tie up the House so that the majority of the House could under no circumstances proceed to any other business as long as my 100 motions are on the calendar to discharge the committees and I choose to call them up.

Mr. NORRIS. Will the gentleman permit me right there?

Mr. MANN. Certainly.

Mr. NORRIS. I do not want to be understood as saying that the fact that those motions to discharge the committees were on the calendar would give them precedence unless they were called up.

Mr. MANN. Oh, I understand—as against my right to call them up.

Mr. NORRIS. Yes. If nobody calls them up, then any other motion would be in order; but if they were called up they would take precedence. The motion to call them up would take precedence.

Mr. MANN. The gentleman admits, then, that when the gentleman from Iowa [Mr. HULL] made his motion it was in order, except as to the question of his being ordered by the committee to make the motion?

Mr. NORRIS. Yes.

Mr. MANN. Because at that time no other motion had been called up; and the question is, then, whether any gentleman having a motion on the Discharge Calendar can, when some other gentleman makes a privileged motion, rise and say, "Mr. Speaker, I ask to have my motion on the Discharge Calendar taken up," and thereby take precedence over any other motion that can be made. That is the question for the House to determine.

Mr. NORRIS. I agree with the gentleman on that.

Mr. MANN. This side of the House will not long be in control of the House, but they will remember the precedents that are set to-day in the next Congress. If the gentlemen of this House want to provide a method by which one day a week shall be set apart for nonsense here is an opportunity to do it. I hope that someone of greater wisdom than I possess will be able to find a method by which you can provide a rule under which any gentleman may call up the bill that he wants, but can not call up a bill that no one else wants you to. In other words, that you will be able to make a gun which after being shot kills if it is a deer but misses if it is a man. [Laughter.]

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. MANN. I will yield.

Mr. RUCKER of Colorado. The gentleman from Illinois has several times referred to the fact that under the practical operation of this rule, as he thinks, he has demonstrated by having the first bill on the calendar, that there can be nothing done in the House, and we would meet here simply for foolishness. He has referred to the fact—

Mr. MANN. I yielded to the gentleman for a question.

Mr. RUCKER of Colorado. I am coming to the question.

Mr. MANN. I do not want the gentleman to tell me what I have been endeavoring to do.

Mr. RUCKER of Colorado. If the majority refuses to take up your bill and consider it, has not it performed some service that day?

Mr. MANN. Well, the gentleman can answer his own question.

Mr. RUCKER of Colorado. I am respectful in my question. Does not it apply to the whole of this calendar; if the House refuses to do it, what becomes of the bill? Has it not gone off the calendar, and have not we done something?

Mr. MANN. I instanced awhile ago a case which might rightfully arise, but apparently the gentleman from Colorado did not understand that in some way it might readily occur in the House, apparent to everyone, that under this rule, requiring a majority of all the Members of the House in order to discharge a committee, such a motion could not be carried through on that particular day; the House could transact no other business under the construction which the gentleman seeks to put on the rule.

Mr. NORRIS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. NORRIS. I want to ask the gentleman if he is willing to admit that the question whether this rule operates satisfactorily or otherwise is not involved in the question before the House.

Mr. MANN. That has nothing to do with it.

Mr. NORRIS. I admit that the rule so far has not done any good, but that is not involved now.

Mr. MANN. No; but the question I speak of is involved in this. The House may, as it frequently does, get in a position where it is impossible to secure votes on one side of any question of a majority of all the Members elected. That frequently will occur.

Mr. COX of Indiana. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. COX of Indiana. What does the gentleman say as to whether or not a demand for the call of the calendar on calendar Wednesday is of higher privilege than a motion made by a Member in charge of an appropriation bill to go into the Committee of the Whole for that purpose?

Mr. MANN. I think the rule in reference to the Unanimous Consent Calendar virtually makes it mandatory on the Speaker that as soon as the Journal is read and approved to direct the Clerk to call the Calendar for Unanimous Consent.

Mr. COX of Indiana. The gentleman regards the rule fixing calendar Wednesday for unanimous consent as being of a higher privilege than the rule which gives the Member in charge of an appropriation bill the right to move that the House go into the Committee of the Whole?

Mr. MANN. Certainly; and, further than that, if the gentleman will pardon me, when the Unanimous Consent Calendar was first put into operation the question was presented to the Speaker whether a motion to suspend the rules would take precedence of the Unanimous Consent Calendar. The Speaker has the right on Mondays, without the limitation upon this discharge rule, to recognize at any time a motion to suspend the rules, and a motion to suspend the rules is of itself a motion to suspend all rules, and yet the Speaker held, when the question was presented, that he could not and would not recognize anyone to make a motion to suspend the rules until the Unanimous Consent Calendar was called.

Mr. COX of Indiana. Now, that power is found in the rule itself, is it not, that gives to the Unanimous Consent Calendar a higher power than the rule which gives to a Member in charge of a bill—

Mr. MANN. It is found in the rule and in the construction of the rule.

Mr. NORRIS. That construction given by the Speaker had a tendency to give some vitality to the rule itself.

Mr. MANN. Yes.

Mr. NORRIS. That is what I am contending for here. We ought to give this construction so as to give vitality to this rule.

Mr. MANN. Yes; but the gentleman wants to give a construction here that gives such vitality to the rule as to deprive the House of the power of doing something when it is impossible to do anything under the rule.

Mr. NORRIS. You can not tell at this date whether we can do anything under the rule or not.

Mr. MANN. You can tell that circumstances will arise where nothing on a particular day can be done under the rule.

Mr. NORRIS. But then we must not assume that. Under that suggestion we may pass the gentleman's bill to codify the postal laws.

Mr. MANN. If the gentleman does not propose to assume what contingencies will arise, the gentleman will be in the same position as the gentleman who drew the rule. He did not assume that any contingencies would arise except that which he had in mind, having in mind only the desire to call up some particular bill that he wanted to call up, without thinking about some other gentleman who might want to call up some other bill. So he drew a rule that was as wide open as a barn door.

Mr. COX of Indiana. Mr. Speaker, I may be wrong, but it strikes me very forcibly that paragraph 3 of Rule XIII is largely or should largely be construed with paragraph 4 of Rule XXVIII.

Mr. MANN. I hope the gentleman will not quote in that way, "paragraph 3 of Rule XIII," to me, for as such it means nothing.

Mr. COX of Indiana. It is the rule now that gives the House the Calendar for Unanimous Consent, and that is the same rule as to which I was inquiring a moment ago. The gentleman and I agree as to the Calendar for Unanimous Consent, that it gets its power by reason of the language in the rule itself, that makes the thing set out in the Calendar for Unanimous Consent rule of higher privilege than—

Mr. MANN. Well, we agree to that.

Mr. COX of Indiana. Now, will the gentleman just yield a little further? I desire to call his attention to this language under the rule we are now seeking to construe:

Immediately after the Unanimous Consent Calendar shall have been called on any Monday, it shall be in order to call up any such motion which shall have been entered at least seven days prior thereto. Recognition for such motions shall be in the order in which they have been entered.

I wish the gentleman would explain what is the difference in the power expressed in the two rules, one saying to the Speaker that on days when we have the Unanimous Consent Calendar the Speaker shall do so and so, and the other, that I have just read, plainly providing that the Speaker shall recognize.

Mr. MANN. I shall be very glad, and it is not difficult to do that. A direction to the Speaker that he shall do a certain thing is binding upon the Speaker and he does it, but making a certain motion in order may only make that motion in order with a dozen other motions that are in order. Does the gentleman see? Different motions may be in order at the same time. This proposition makes in order a motion to discharge the committee as soon as the Unanimous Consent Calendar is completed. That motion is then in order. If the rule had not provided that such a motion should then be in order, you could put it on the calendar, but there was no way of bringing it up, and it never would have been in order if it had not been so stated in the rule.

Mr. COX of Indiana. But the language used in both rules is affirmative, that the Speaker shall recognize.

Mr. MANN. Oh, no; the language does not say the Speaker shall recognize. The language says shall be in order. Was it assumed by that that the first motion on the motion to discharge calendar was thereby in order at once? If so, why did the rule go ahead and say that that motion should have precedence over a motion to suspend the rules. If the language of the rule meant, when it said it was in order to call up the motion, that it must be called up if anyone demanded it, why did it go ahead and say, then, it shall take precedence over the rights of the Speaker to recognize someone to suspend the rules, a right which he might exercise so that it would prevent the motion to discharge from coming up at all?

Now, the rule guarded against that, properly guarded against that, and did not attempt to provide that the House itself could not proceed to other business, and if the rule shall be construed so that the Speaker can not recognize for any other motion, except a motion to discharge a committee, the gentleman knows that as long as there are partisan majorities and partisan minorities there never will be a day set apart for that purpose that is not consumed in that way. In fact, the construction would prevent the Speaker from recognizing for any other purpose. This construction for which I contend seeks to leave to the House the right of determining whether it proceeds to the order of business of one kind or the other, because, if a majority of the House want to go into the Committee of the Whole for the consideration of appropriation bills, how do you think you will get a majority of all the Members-elect of the House to vote for something else?

Mr. FITZGERALD. Mr. Speaker, I demand the previous question.

The SPEAKER. The gentleman from New York demands the previous question.

The previous question was ordered.

The SPEAKER. The question is, Shall the decision of the Chair stand as the judgment of the House?

The House divided, and the Chair announced that the Chair was in doubt.

After counting,

The SPEAKER. Upon this question the ayes are 103 and the noes are 109.

Mr. HULL of Iowa. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is, Shall the decision of the Chair stand as the decision of the House?

The question was taken; and there were—ayes 126, nays 146, answered "present" 14, not voting 101, as follows:

AYES—126.

Alexander, N. Y.	Boutell	Dawson	Esch
Allen	Bradley	Denby	Estopinal
Anthony	Burke, S. Dak.	Diekema	Fairchild
Austin	Butler	Doode	Focht
Barclay	Calderhead	Douglas	Fordney
Barnard	Chapman	Draper	Foss
Bartholdt	Cole	Driscoll, M. E.	Foster, Vt.
Bates	Crow	Durey	Fuller
Bennet, N. Y.	Currier	Dwight	Gillett
Bennett, Ky.	Dalzell	Ellis	Graft

Graham, Pa.	Kennedy, Ohio	Morgan, Mo.	Smith, Iowa
Grant	Knowland	Morgan, Okla.	Smith, Mich.
Greene	Kronmiller	Moxley	Snapp
Guernsey	Langley	Needham	Sperry
Hamer	Lawrence	Nye	Sterling
Hamilton	Longworth	Olcott	Sturgiss
Hanna	Loudenslager	Olmsted	Sulloway
Hawley	Lowden	Palmer, H. W.	Swasey
Heald	McCall	Parker	Tawney
Hill	McCreary	Parsons	Taylor, Ohio
Howell, N. J.	McCredie	Payne	Thistlewood
Howell, Utah	McGuire, Okla.	Pearre	Tilson
Howland	McKinley, Ill.	Plumley	Townsend
Hubbard, W. Va.	McLachlan, Cal.	Pratt	Vreeland
Hughes, W. Va.	McLaughlin, Mich.	Pray	Weeks
Hull, Iowa	Madden	Prince	Wheeler
Humphrey, Wash.	Malby	Roberts	Wiley
Johnson, Ohio	Mann	Rodenberg	Wilson, Ill.
Joyce	Martin, S. Dak.	Saunders	Woodyard
Kahn	Massey	Scott	Young, Mich.
Kelifer	Miller, Kans.	Sheffield	
Kennedy, Iowa	Mondell	Simmons	

NAYS—146.

Alexander, Mo.	Dickinson	Hull, Tenn.	Peters
Anderson	Dies	Humphreys, Miss.	Pickett
Ansberry	Dixon, Ind.	James	Polindexter
Ashbrook	Dupre	Jameson	Rainey
Barnhart	Edwards, Ga.	Johnson, Ky.	Ransdell, La.
Bartlett, Ga.	Ferris	Johnson, S. C.	Rauch
Bartlett, Nev.	Finley	Jones	Richardson
Beall, Tex.	Fish	Kendall	Robinson
Bell, Ga.	Fitzgerald	Kinkaid, Nebr.	Roddenberry
Boehne	Flood, Va.	Kitchin	Rucker, Colo.
Borland	Floyd, Ark.	Kopp	Rucker, Mo.
Brantley	Gallagher	Korbly	Sabath
Broussard	Garner, Tex.	Kuftermann	Sheppard
Burgess	Garrett	Lamb	Sherwood
Burleson	Glass	Latta	Sims
Burnett	Godwin	Lee	Sisson
Byrd	Good	Legare	Slayden
Byrns	Gordon	Lenroot	Small
Candler	Graham, Ill.	Lindbergh	Smith, Tex.
Carlin	Gronna	Lively	Sparkman
Carter	Hamlin	Macon	Stafford
Cary	Hammond	Madison	Stanley
Cassidy	Hardwick	Maguire, Nebr.	Steenerson
Clark, Fla.	Hardy	Martin, Colo.	Sulzer
Clark, Mo.	Harrison	Mays	Taylor, Colo.
Clayton	Haugen	Mitchell	Thomas, Ky.
Cline	Havens	Moon, Tenn.	Thomas, N. C.
Collier	Heflin	Moore, Tex.	Tou Velle
Conry	Helm	Morrison	Turnbull
Cooper, Wis.	Hinshaw	Morse	Underwood
Covington	Hobson	Moss	Wallace
Cox, Ind.	Hollingsworth	Nelson	Watkins
Cox, Ohio	Houston	Nicholls	Wickliffe
Cullop	Hubbard, Iowa	Norris	Wilson, Pa.
Davidson	Hughes, Ga.	Oldfield	Woods, Iowa
Dent	Hughes, N. J.	Page	
Denver		Palmer, A. M.	

ANSWERED "PRESENT"—14.

Adamson	Gregg	Slemp
Alken	Hay	Young, N. Y.
Andrus	Kelher	
Goulden	McMorran	

NOT VOTING—101.

Adair	Elvins	Kinkead, N. J.	Patterson
Ames	Englebright	Knapp	Pujo
Barchfeld	Fassett	Lafean	Randell, Tex.
Bingham	Foelker	Langham	Reeder
Bocher	Fornes	Law	Reld
Bowers	Foster, Ill.	Lever	Reynolds
Burke, Pa.	Fowler	Lindsay	Rhinock
Burleigh	Gaines	Livingston	Riordan
Calder	Gardner, Mass.	Lloyd	Sharp
Campbell	Gardner, Mich.	Loud	Sherley
Cantrill	Gardner, N. J.	Lundin	Smith, Cal.
Capron	Garner, Pa.	McDermott	Southwick
Cocks, N. Y.	Gill, Md.	McHenry	Spight
Cooper, Pa.	Gill, Mo.	McKinlay, Cal.	Stevens, Tex.
Coudrey	Gillespie	McKinney	Stevens, Minn.
Cowles	Goebel	Maynard	Talbott
Craig	Goldfogle	Miller, Minn.	Taylor, Ala.
Cravens	Griest	Millington	Thomas, Ohio
Creager	Hamill	Moon, Pa.	Volstead
Crumpacker	Hayes	Moore, Pa.	Wanger
Davis	Henry, Conn.	Morehead	Washburn
Dickson, Miss.	Higgins	Mudd	Webb
Driscoll, D. A.	Hitchcock	Murdock	Wesse
Edwards, Ky.	Howard	Murphy	Willett
Ellerbe	Huff	O'Connell	Wood, N. J.

So the decision of the Chair was not sustained.

The Clerk announced the following pairs:

For this session:

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. WOOD of New Jersey with Mr. WEISSE.

Mr. SOUTHWICK with Mr. SPIGHT.

Mr. MUDD with Mr. MAYNARD.

Mr. MCKINLAY of California with Mr. LIVINGSTON.

Mr. HENRY of Connecticut with Mr. WILLETT.

Mr. CRUMPACKER with Mr. ELLERBE.

Mr. CAMPBELL with Mr. BOWERS.

Mr. GARDNER of New Jersey with Mr. HOWARD.

Mr. COCKS of New York with Mr. CRAVENS.

Mr. BURLEIGH with Mr. HAY.

Mr. MCMORRAN with Mr. PUJO.

Commencing January 16, 3 p. m., ending Thursday noon:

Mr. LANGHAM with Mr. ROTHERMEL.

Commencing January 16, 3 p. m., ending Wednesday noon:

Mr. BARCHFELD with Mr. RANDELL of Texas.

For balance of day:

Mr. LOUD with Mr. PADGETT.

Mr. DAVIS with Mr. GOLDFOGLE.

Mr. ELVINS with Mr. SHACKLEFORD.

Mr. SLEMP with Mr. CRAIG.

Mr. COWLES with Mr. TALBOTT.

Mr. LUNDIN with Mr. LEVER.

Mr. STEVENS of Minnesota with Mr. STEPHENS of Texas.

Mr. THOMAS of Ohio with Mr. TAYLOR of Alabama.

Mr. VOLSTEAD with Mr. WEBB.

Mr. MURPHY with Mr. SHARP.

Mr. MOORE of Pennsylvania with Mr. LLOYD.

For this vote:

Mr. ENGLEBRIGHT (in favor) with Mr. HAYES (against).

The result of the vote was announced as above recorded.

Mr. MANN. Mr. Speaker, I call up the unfinished business on the motion to discharge committees.

Mr. PAYNE. Mr. Speaker, I desire to make a motion to adjourn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 9850) to authorize the board of trustees of the Postal Savings System to rent quarters for a central office in the city of Washington, D. C.

RETURN OF BILL.

The SPEAKER laid before the House the following request from the Senate, which was read, considered, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 9850) to authorize the board of trustees of the Postal Savings System to rent quarters for a central office in the city of Washington, D. C.

POST-OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker—

The SPEAKER. If the gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. PAYNE] will withhold for a moment, the gentleman from Massachusetts [Mr. WEEKS] desires to make a privileged report.

Mr. WEEKS. Mr. Chairman, by direction of the Committee on Post Office and Post Roads I desire to report the bill (H. R. 31539; Rept. No. 1925) providing for the postal service for the year ending June 30, 1912.

The SPEAKER. Without objection, the report which the gentleman desires to make will be received.

Mr. COX of Indiana. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. Is there objection to the reception of the report on this day? [After a pause.] The Chair hears none.

Mr. COX of Indiana. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes.

The SPEAKER. The bill has been received by unanimous consent, and, by unanimous consent, on this day, it is referred to the Committee of the Whole on the state of the Union and ordered to be printed.

There was no objection.

Mr. COX of Indiana. Mr. Speaker, I reserve all points of order on the bill.

Mr. WEEKS. Mr. Speaker, I desire to give notice that I shall call up this bill as soon as the Army appropriation bill is disposed of.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9850. An act to authorize the board of trustees of the Postal Savings System to rent quarters for a central office in the city of Washington, D. C.;

S. 9469. An act to amend an act entitled "An act to amend section 4843 of the Revised Statutes," approved February 9, 1900;

S. 8868. An act providing for a permanent resting place for the body of John Paul Jones;

S. 4988. An act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia;

S. 4239. An act to amend section 183 of the Revised Statutes; and

S. 3897. An act for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 24291. An act for the relief of Cooper Walker;

H. R. 23081. An act for the relief of the family of Samuele Badolato; and

H. R. 5015. An act for the relief of Clarence Frederick Chapman, United States Navy.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On December 21, 1910:

H. R. 21331. An act for the purchase of land widening Park Road, in the District of Columbia.

On December 23, 1910:

H. R. 29495. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1911, and for other purposes.

On January 12, 1911:

H. R. 6867. An act to authorize the city of Sturgis, Mich., to construct a dam across the St. Joseph River;

H. R. 25775. An act to authorize the Great Northern Development Co. to construct a dam across the Mississippi River from a point in Hennepin County to a point in Anoka County, Minn.; and

H. R. 24786. An act to refund certain tonnage taxes and light dues.

On January 14, 1911:

H. R. 6075. An act for the relief of Amos Hershey; and

H. R. 16990. An act for the relief of George J. Diller.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 5015. An act for the relief of Clarence Frederick Chapman, United States Navy;

H. R. 23081. An act for the relief of the family of Samuele Badolato; and

H. R. 24291. An act for the relief of Cooper Walker.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9469. An act to amend an act entitled "An act to amend section 4843 of the Revised Statutes," approved February 9, 1900; to the Committee on the District of Columbia.

S. 8868. An act providing for a permanent resting place for the body of John Paul Jones; to the Committee on Naval Affairs.

S. 4988. An act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia; and

S. 4239. An act to amend section 183 of the Revised Statutes; to the Committee on the Judiciary.

S. 3897. An act for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson; to the Committee on Claims.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 18960. An act for the relief of Emanuel Sassaman;

H. R. 22829. An act for the relief of George W. Nixon;

H. R. 28434. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 28435. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

CODIFICATION OF POSTAL LAWS.

The SPEAKER. There comes over as unfinished business the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 21371) to codify, revise, and amend the postal laws of the United States.

The SPEAKER. The Clerk will read.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that further reading of the bill be dispensed with.

Mr. MILLER of Kansas. I object.

The SPEAKER. The Clerk will read.

PARSONS V. SAUNDERS.

Mr. MILLER of Kansas. Mr. Speaker, I desire to present a privileged report to the House, and ask unanimous consent to have the contested election case of Parsons against Saunders recommitted to the Committee on Elections No. 2.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the election case indicated be recommitted to the Committee on Elections No. 2. Is there objection?

Mr. HARDWICK. Reserving the right to object, Mr. Speaker, I did not exactly understand what the motion was.

Mr. MILLER of Kansas. To refer it back to the committee.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. Does it now require unanimous consent to adjourn? I would like to make that motion, and will make it unless it requires unanimous consent.

Mr. FITZGERALD. I object.

The SPEAKER. It occurs to the Chair that there is one thing in the heavens above and on the earth beneath and in the waters under the earth that does not require unanimous consent, and the motion of the gentleman from New York [Mr. PAYNE] would be in order at this time without unanimous consent.

Is there objection to the request of the gentleman from Kansas [Mr. MILLER]?

Mr. BENNET of New York. Mr. Speaker, reserving the right to object, I would like to ask if this is pursuant to any action of the Committee on Elections.

Mr. MILLER of Kansas. The majority of the committee have so requested. I have not talked with the gentleman from New York as to that. I have talked to most of the other members of the committee.

Mr. BENNET of New York. Until I have that pleasure, Mr. Speaker, I shall object.

CHANGE OF REFERENCE.

By unanimous consent, a change of reference was made of House resolution 920, setting date for consideration and vote on H. R. 15413, from the Committee on Immigration and Naturalization to the Committee on Rules.

WITHDRAWAL OF PAPERS.

Mr. FISH, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of G. C. Fox, Sixty-first Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. FOSTER of Illinois, by unanimous consent, was granted leave of absence for five days on account of death in family.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I renew my motion to adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned until 12 o'clock m., Tuesday, January 17, 1911.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Connecticut River up to Hartford, Conn. (H. Doc. No. 1294); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the Court in the case of Silas H. Henry, executor of estate of John North, against the United States (H. Doc. No. 1297); to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for International Hygiene Exposition at Dresden (H. Doc. No. 1296); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting

an estimate of appropriation for the claim of C. W. Thompson (H. Doc. No. 1295); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31066) to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes, reported the same without amendment, accompanied by a report (No. 1923), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31166) to authorize the Secretary of Commerce and Labor to exchange a certain right of way, reported the same without amendment, accompanied by a report (No. 1924), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LINDBERGH, from the Committee on Claims, to which was referred the joint resolution of the House (H. J. Res. 209) for the relief of Thomas Hoyne, reported the same without amendment, accompanied by a report (No. 1922), which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. MILLINGTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 30309) for the relief of Emiliano Martinez, reported the same adversely, accompanied by a report (No. 1920), which said bill and report were laid on the table.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 30310) for the relief of Roman Moya, administrator of the estate of Pablo Moya, deceased, reported the same adversely, accompanied by a report (No. 1921), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 29880) granting an increase of pension to Mary V. Webster; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 30157) granting a pension to Daniel R. Johnson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEE (by request): A bill (H. R. 31531) to authorize Joseph Swift to construct an elevated trestle across Anacostia Road in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MONDELL: A bill (H. R. 31532) regulating the suspension of final proof on land entries; to the Committee on the Public Lands.

By Mr. DICKINSON: A bill (H. R. 31533) to authorize the Secretary of War to furnish one condemned cannon to the Appleton City Academy, Appleton City, Mo.; to the Committee on Military Affairs.

By Mr. HOWELL of Utah: A bill (H. R. 31534) to amend section 1 of the act of May 30, 1908, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment;" to the Committee on Mines and Mining.

By Mr. DOUGLAS: A bill (H. R. 31535) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries," etc., approved May 30, 1908; to the Committee on Mines and Mining.

By Mr. NELSON: A bill (H. R. 31536) to establish a department in the Congressional Library for the purpose of gathering and indexing statute-law material and legal material of a comparative nature and to provide for draftsmen for congressional measures and to otherwise assist and aid Members of Congress and public officials; to the Committee on the Library.

By Mr. KOPP: A bill (H. R. 31537) providing for the retirement and pension of railway mail clerks; to the Committee on Reform in the Civil Service.

By Mr. TAYLOR of Alabama: A bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railroad Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER (by request): A bill (H. R. 31540) to amend section 12 of an act entitled "An act making further provision for the civil government of Alaska, and for other purposes," approved June 6, 1900; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 921) setting date for consideration and vote on H. R. 15413; to the Committee on Rules.

By Mr. HARDY: Joint resolution (H. J. Res. 268) authorizing the appointment of a committee to investigate certain foreign and domestic shipping rings, pools, combinations, and conferences, and other matters connected therewith; to the Committee on Rules.

By Mr. HEFLIN: Joint resolution (H. J. Res. 269) directing the Attorney General of the United States to take action to recover from the Potomac Electric Power Co. and the Washington Railway & Electric Co. certain moneys for the District of Columbia; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER of New York: A bill (H. R. 31541) granting a pension to Anna M. Shaver; to the Committee on Pensions.

By Mr. ANDERSON: A bill (H. R. 31542) granting an increase of pension to George P. Ogg; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 31543) granting an increase of pension to George S. Hampton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31544) granting an increase of pension to Henry D. Sally; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 31545) granting an increase of pension to George W. Todd; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 31546) granting an increase of pension to Samuel Reams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31547) granting an increase of pension to Jonah Gunter; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 31548) granting a pension to Margaret Shea; to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 31549) granting an increase of pension to Jacob Hoffner; to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 31550) granting a pension to Martha A. Parkman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31551) granting a pension to Sumner P. Boies; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 31552) to carry into effect the findings of the Court of Claims in the case of William F. McKimmy, administrator of the estate of John McKimmy, deceased; to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 31553) granting an increase of pension to Nathaniel G. Crowder; to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 31554) granting an increase of pension to Beriah M. Duncan; to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 31555) granting a pension to Margaret L. Rourke; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 31556) for the relief of J. H. Cravey; to the Committee on Claims.

By Mr. DOUGLAS: A bill (H. R. 31557) granting an increase of pension to Jerome C. Holloway; to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 31558) granting an increase of pension to William F. Bell; to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 31559) granting a pension to Hattie Branda; to the Committee on Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 31560) granting an increase of pension to David Lucas; to the Committee on Invalid Pensions.

By Mr. ELVINS: A bill (H. R. 31561) granting an increase of pension to Margaret Gibbons; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 31562) to carry out the findings of the Court of Claims in the case of Florine A. Albright; to the Committee on War Claims.

By Mr. FASSETT: A bill (H. R. 31563) granting an increase of pension to Moses Davison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31564) granting an increase of pension to E. P. Golden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31565) granting an increase of pension to Thomas Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31566) granting an increase of pension to Michael Baker; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 31567) granting an increase of pension to Peter B. Gardner; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 31568) to carry into effect the findings of the Court of Claims in case of A. J. Williford, administrator of Charity M. Locke, deceased; to the Committee on War Claims.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 31569) granting a pension to Jemima Johnson; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 31570) granting an increase of pension to Charles R. Brown; to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 31571) granting an increase of pension to William H. Randall; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 31572) granting a pension to Carrie E. Keepers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31573) granting an increase of pension to Laura E. R. Hatfield; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 31574) granting an increase of pension to Turner Branham; to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 31575) granting a pension to Woodbine L. McLane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31576) granting a pension to Sinclair R. Boone; to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 31577) granting an increase of pension to J. A. McCoskey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31578) granting an increase of pension to Clarkson Tryon; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 31579) granting an increase of pension to Thomas Barry; to the Committee on Invalid Pensions.

By Mr. MASSEY: A bill (H. R. 31580) granting an increase of pension to Joseph Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31581) granting an increase of pension to Franklin White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31582) granting an increase of pension to Henry Lotheo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31583) granting a pension to John R. P. Thomas; to the Committee on Pensions.

By Mr. NYE: A bill (H. R. 31584) for the relief of William A. Miller; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 31585) granting an increase of pension to Alban H. Foster; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 31586) granting an increase of pension to Alexander Wilson; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 31587) for the relief of Thomas B. Brumley; to the Committee on Claims.

By Mr. STAFFORD: A bill (H. R. 31588) granting an increase of pension to Bruno Bemm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31589) granting a pension to Anna Rosche; to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 31590) to carry into effect the findings of the Court of Claims in case of Mary E. Buckey; to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 31591) granting an increase of pension to George W. McKenney; to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 31592) for the relief of J. H. Mullen; to the Committee on Claims.

By Mr. TAYLOR of Ohio: A bill (H. R. 31593) granting a pension to Rhoda Allwine; to the Committee on Pensions.

Also, a bill (H. R. 31594) to correct the military record of William A. Wilson; to the Committee on Military Affairs.

By Mr. WICKERSHAM: A bill (H. R. 31595) to authorize the incorporated town of Cordova, Alaska, to issue bonds to build a public wharf; to the Committee on the Territories.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of Gallion Brewing Co., Gallion, Ohio, for repeal temporarily of the duty on barley; to the Committee on Ways and Means.

Also, petition of Harry Dally et al., of Grayville, Ohio, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of citizens of Hicksville and Bryan, Ohio, against the proposed rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Petition of civil-service employees at Atchison, Kans., protesting against the passage of the Gillett bill, to pension superannuated Government employees; to the Committee on Reform in the Civil Service.

By Mr. ASHBROOK: Paper to accompany bill for relief of Alexander B. Henderson; to the Committee on Invalid Pensions.

By Mr. AUSTIN: Papers to accompany bills for relief of Daniel R. Johnson and Mary L. Webster (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. BARTHOLDT: Petition of the Retail Merchants' Association of St. Louis, Mo., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. BENNETT of Kentucky: Petition of citizens of the ninth congressional district, against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. BOOHER: Petition of citizens of Bolckow, Tracy, Guilford, St. Joseph, Mound City, East Atchison, Hopkins, Avenue City, Skidmore, Maitland, and Frazier, in the State of Missouri, fourth congressional district, against a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of South Dakota: Petition of citizens of South Dakota, against any reduction of the duty on barley; to the Committee on Ways and Means.

Also, petition of citizens of South Dakota, favoring New Orleans as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. CARLIN: Paper to accompany bill for relief of Armistead M. Johnson; to the Committee on War Claims.

By Mr. CASSIDY: Petition of Joseph Speddy and 12 other citizens of Cleveland, Ohio, urging the passage of Senate bill 5677, to increase efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAVENS: Petition of citizens of the fourth Arkansas congressional district, against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. DALZELL: Paper to accompany bill for relief of Beriah M. Duncan; to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of J. T. Sutton and 44 others, of North English, Iowa, against a rural parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. ESTOPINAL: Paper to accompany bill for relief of Joseph Galle; to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Mary L. Rogers; to the Committee on Claims.

By Mr. FLOYD of Arkansas: Petition of citizens of third Arkansas congressional district, against parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Civil War soldiers, in support of House bill 29346; to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Horatio M. McGawhey; to the Committee on ———.

By Mr. FOSS: Paper to accompany bill for relief of Erastus W. Sherwood (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. FULLER: Petition of W. F. & John Barnes Co., of Rockford, Ill., for the bill to create a court of patent appeals; to the Committee on the Judiciary.

Also, petitions of American Federation of Labor and National Association of Retail Grocers, for reduction of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Henry C. Peterson, of Brookville, Ind., for bill to increase pension of those who lost an arm or leg in the Civil War (H. R. 17883); to the Committee on Invalid Pensions.

Also, petition of United States Customs Employees' Benevolent Association, for House joint resolution 258; to the Committee on Appropriations.

Also, petition of Rockford (Ill.) Business Men's Association, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of F. E. Sterling, Rockford, Ill., for Militia pay bill (H. R. 28436); to the Committee on Militia.

Also, petition of National Woman's Christian Temperance Union, for a law preventing interstate commerce in intoxicating liquors; to the Committee on Interstate and Foreign Commerce.

Also, petition of Illinois Mining Investigation Commission, to have the big testing machine placed in charge of the Bureau of Mines; to the Committee on Mines and Mining.

Also, petition of the National Liberal Immigration League, against further restrictions of immigration; to the Committee on Immigration and Naturalization.

By Mr. HAMMOND: Petition of citizens of second Minnesota congressional district, against House bill 3292; to the Committee on Interstate and Foreign Commerce.

Also, petition of Jacob Hettinger and three others, of Beaver Creek; W. A. Ulrich, of Amboy, and A. Quevli & Co. and 30 others, of Windom, all in the State of Minnesota, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of citizens of North Dakota, against the establishment of a local rural parcels-post service on the rural-delivery routes; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Northwood, N. Dak., for the Cummins bill (S. 3776) relative to control of express cars; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of North Dakota, for House bill 26791, the Hanna bill, for benefit of rural free-delivery carriers; to the Committee on the Post Office and Post Roads.

By Mr. HARDWICK: Petition of certain officers of the Farmers' Educational and Cooperative Union of America, favoring election of United States Senators by direct vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. HOLLINGSWORTH: Petition of The Millat Co., of Bellaire, Ohio, against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL of New Jersey: Petition of the Daughters of the American Revolution of New Jersey, opposing the location of reformatory near Mount Vernon; to the Committee on the District of Columbia.

Also, petition of citizens of Long Branch, N. J., for Senate bill 5677, to increase efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER of Texas: Petition of citizens of the fifteenth congressional district of Texas, favoring the local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Illinois: Petition of C. P. Robinson, of Haganan, Ill., and merchants of Stonington, Ill., against rural parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Local Union No. 694, United Mine Workers of America, of Girard, Ill., for legislation amending the oleomargarine law by reduction of the tax of 10 cents per pound; to the Committee on Agriculture.

By Mr. JAMES: Petition of citizens of first congressional district of Kentucky, against a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. KNAPP: Petition of Hardiman-Woolworth Co., of Watertown, N. Y., against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. KOPP: Petition against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. LAMB: Petition of Society for the Preservation of Virginia Antiquities, against locating a criminal reformatory in the vicinity of Mount Vernon; to the Committee on the District of Columbia.

By Mr. LEVER: Paper to accompany bill for relief of Albert M. Thomas; to the Committee on Pensions.

By Mr. LINDBERGH: Petition of citizens of South Haven, Browerville, St. Cloud, and Carlos, all in the State of Minne-

sota, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McCREDIE: Petition of A. W. Reid and others, for S. 5677, to promote efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGUIRE of Nebraska: Petition of Nebraska soldiers of the Civil War, favoring the Sulloway pension bill; to the Committee on Invalid Pensions.

By Mr. MASSEY: Papers to accompany bills for relief of Lieut. Sanders McMahan and Franklin White; to the Committee on Invalid Pensions.

By Mr. McKINNEY: Petition of business men of Coal Valley, Ill., against a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petition of Harvey McGregor Co., of Carsonville, Mich.; Wahla Bros., of Forestville, Mich.; I. F. Smith and seven other business firms of Marlette, Mich., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. REEDER: Petition of citizens of the sixth Kansas congressional district, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. ROBINSON: Paper to accompany bill for relief of Virginia R. Jones; to the Committee on War Claims.

Also, petition of Ober & Sons and J. R. Scott, Coleman, Ark., against rural parcels post; to the Committee on the Post Office and Post Roads.

Also, paper to accompany bill for relief of Thaddeus M. Ferrell; to the Committee on War Claims.

By Mr. SMITH of Texas: Petition of citizens of the sixteenth congressional district of Texas, against a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of the Farmers' Union of Texas, Liberty Hill Local Union, No. 548, strongly favoring parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, paper to accompany bill for relief of Thomas Benton Brumley; to the Committee on Claims.

By Mr. SULZER: Petition of Brooklyn Engineers' Club, for section 4 of H. R. 7117, relative to appointment of engineers; to the Committee on Rivers and Harbors.

SENATE.

TUESDAY, January 17, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by C. R. McKenney, its enrolling clerk, announced that the House had passed the bill (S. 1997) to limit and fix the compensation of the appraiser of merchandise at the port of San Francisco.

The message also announced that the House had passed the bill (S. 7635) to authorize the President to drop officers from the rolls of the Army under certain conditions, with an amendment, in which it requested the concurrence of the Senate.

The message returned to the Senate in compliance with its request the bill (S. 9850) to authorize the board of trustees of the postal-savings system to rent quarters for a central office in the city of Washington, D. C.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 5015. An act for the relief of Clarence Frederick Chapman, United States Navy;

H. R. 23081. An act for the relief of the family of Samuele Badolati; and

H. R. 24291. An act for the relief of Cooper Walker.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram, communicating a joint memorial of the legislature of Oregon, which was referred to the Committee on Industrial Expositions and ordered to be printed in the RECORD, as follows:

SALEM, OREG., January 16, 1911.

The CHIEF CLERK OF THE UNITED STATES SENATE,
Washington, D. C.:

I am directed to inform the Senate of the United States, through the proper channels, that the senate of Oregon has adopted the following joint memorial:

Senate joint memorial 1.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the legislative assembly of the State of Oregon, respectfully represents that—